IN THE HIGH COURT OF JUDICATURE
AT BOMBAY GOA

PIL WRIT PETITION NO. OF 2024

The Goa Foundation)… Petitioner

V/s

State of Goa & Ors.)… Respondents

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Place: Porvorim, Goa

Date: 19.09.2024 Advocate for the Petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA BENCH

PIL WRIT PETITION NO. OF 2024

SYNOPSIS AND CHRONOLOGY OF DATES AND EVENTS

This Petition is filed in public interest seeking a writ or order to quash and set aside provisions of law (Section 39A of the Goa Town and Country Planning Act) that seek to allow entirely ad-hoc and arbitrary conversions of privately owned plots in the Regional Plan and notified Outline Development Plans (ODPs) based on individual applications from such parties ("spot zoning"). Such provisions are contrary to the very scheme of the Town and Country Planning Act, 1974 and is also violative of Article 14 of the Constitution of India.

The decisions to allow such zoning conversions display, manifest arbitrariness and such changes lead to unbalanced, unplanned and undesirable development in the State of Goa, as they would import chaos into the scheme of the Regional Plan and therefore, are contrary to the interest of the citizens

and are incompatible with the ecological requirements and resources of the State of Goa. It is also violative of Article 21 of the Constitution of India, as the right to a planned environment is a fundamental right of every citizen of the State of Goa.

The Petitioner is also challenging the ambiguous, repugnant and incorrect definition given to the word 'zone' in the Building and Construction Regulations, 2010 which allows plot changes as "zone" changes without any basis in law or planning. Hence this PIL.

LIST OF DATES AND EVENTS

Sr. No	**Date**	**Particulars of events or documents if any**	**Annexure and Page**
1.	1974	Goa Town and Country Planning Act, 1974 comes into force.	
2.	1986	The Government of Goa notified Goa's first Regional Plan being 'Regional Plan 2001'.	
3.	1988	The Legislature of Goa amends the Goa TCP Act, 1974 to delete the provision that a revision of Regional Plan shall not be recommended by the Government earlier than five years after a regional plan has been published.	

4	2001	Government of Goa amends TCP Act, 1974 by inserting new provisions 100A and 101A which allow for charges for zone changes and which amendments are impugned in this petition.	
5.	28.03.2005	The Secretary (TCP), Govt. of Goa notes that "conscious effort needs to be made to curb this practice of allowing ad-hoc changes (to the regional plan)."	Ann. 4 Colly Pg: 66
6.	30.03.2005	The Chief Secretary, Government of Goa notes that "relaxations under Section 17 of the TCP Act, are not well founded in law as they make changes in the Regional Plan without following the provisions of the Act for amendment to the Regional Plan."	Ann. 4 Colly Pg: 69
7.	06.05.2005	The Government of Goa issues an order to stop entertaining any applications for change in land use/zone.	Ann. 5 Pg: 72
8.	03.10.2005	The Government of Goa promulgates Ordinance No. 3 of 2005 to enable the government to effect changes in the regional plan based on individual applications. The Ordinance eventually lapses due to strong opposition to the same.	Ann. 6 Pgs: 74 - 75
9.	09.09.2010	The TCP Department notified the Goa Land Development and Building Construction Regulations, 2010 with vague definition of "zone."	
10.	01.10.2018	The Government of Goa notified the Goa Town and Country Planning (Amendment) Act, 2018 to come into force on 03.10.2018 to introduce Section 16B into the TCP Act.	

11.	21.02.2023	The Government of Goa notified the Goa Town and Country Planning (Amendment) Act 2023 to introduce Section 17(2) into the TCP Act.	
12.	22.02.2024	The Government of Goa notified the Goa Town and Country Planning (Amendment) Act 2024 to introduce Section 39A into the TCP Act. It withdraws Section 16B from the statute book.	Ann. 1 Colly Pgs: 50 - 51
13.	07.03.2024	The Government of Goa notified the Goa Town and Country Planning (Change of Zone in the Regional Plan or the Outline Development Plan) Rules, 2024.	Ann. 1 Colly Pgs: 52 - 55
14.	June-August	Government issues several notifications giving notice under Section 39A.	Ann. 8 Colly Pgs: 80 - 91
15.	September 2024	PILWP is filed	

POINTS TO BE HEARD

1. The impugned provisions vest arbitrary, unchannelized and untrammeled powers in the Respondents to effect arbitrary changes in the landuse/zoning categorisation of individual plots within the statutory Regional Plan and notified

Outline Development Plans, based on requests moved by interested private parties ("spot zoning"). Such a provision is contrary to the scheme of the Act and its various norms and offends Petitioners' fundamental rights under Article 14 of the Constitution of India.

2. The impugned amendment therefore defeats the very purpose of planned development guaranteed to the citizens under Article 21 of the Constitution of India and is therefore liable to be quashed and set aside in the interests of justice.

3. The definition given for the word 'zone' in the Building Regulations 2010 is ambiguous, repugnant, allows for misleading interpretations of the term and disregards the standard dictionary meaning. This mischievous definition is given to the word in order to allow arbitrary land use changes by the Respondents on a plot-to-plot basis. Therefore, it is fundamentally contrary to the object of planned development and unconstitutional.

ACTS/RULES TO BE REFERRED

The Constitution of India, 1950

Goa Town and Country Planning Act, 1974

Goa Town and Country Planning (Amendment) Act, 2024

Goa Town and Country Planning (Change of Zone in the Regional Plan) Rules, 2024

Goa Land Development and Building Construction Regulations, 2010

Maharashtra Regional and Town Planning Act, 1966

Karnataka Town and Country Planning Act, 1961

AUTHORITIES TO BE CITED

Judgment of the Hon'ble Supreme Court in *R.K. Mittal & Ors vs State Of U.P. & Ors.* [2012 (2) SCC 232]

Judgment of the Hon'ble Supreme Court in *Rajendra Shankar Shukla v. State of Chhattisgarh* [2015 (10) SCC 400]

Judgment of the Hon'ble Supreme Court in *Sant Lal Gupta and Ors. vs. Modern Coop. Group Housing Society Ltd. and Ors.* [(2010) 13 SCC 336]

Place: Porvorim, Goa

Date: 19.09.2024 Advocate for Petitioner

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

P.I.L. WRIT PETITION NO.____OF 2024

IN THE MATTER OF ARTICLES 14, 21, AND 226 OF THE CONSTITUTION OF INDIA AND RULE 4(e) OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010

AND

IN THE MATTER OF THE VIRES OF SECTION 39A OF THE GOA TOWN AND COUNTRY PLANNING ACT, 1974 AND RULES THEREUNDER;

AND

IN THE MATTER OF ARBITRARY, UNCHANNELIZED AND UNFETTERED POWERS BEING VESTED IN THE GOVERNMENT FOR EFFECTING CHANGES IN THE STATUTORY REGIONAL PLAN AND OUTLINE DEVELOPMENT PLANS BASED ON INDIVIDUAL

HIGH COURT OF BOMBAY AT GOA

REQUESTS, THUS VIOLATING THE SCHEME OF THE TCP ACT, 1984 AND THE FUNDAMENTAL RIGHTS OF PETITIONERS UNDER ARTICLE 14 AND 21 OF THE CONSTITUTION OF INDIA.

THE GOA FOUNDATION
through its President, Arch. Dean D'Cruz,
Age 65 years, Having Regd. Office at Room No 7,
Above Mapusa Clinic, Mapusa, Goa – 403507,
PAN No. AAAAG0249C,
Income: Rs 15 - 26,00,000/- per annum (approx.),
Registration No. - 23/Goa/86,
Email id: goafoundation@gmail.com

.....Petitioner

v/s

1. **THE STATE OF GOA,**
   through its Chief Secretary,
   Secretariat, Porvorim, Goa - 403501.

2. **THE SECRETARY (TOWN AND COUNTRY PLANNING),**
   Govt. of Goa, Secretariat,
   Porvorim, Goa – 403501.

3. **THE TOWN AND COUNTRY PLANNING DEPARTMENT**, Through the Chief Town Planner (Planning), having office at
   Dempo Tower, 2nd floor, Patto Plaza,
   Panaji, Goa – 403001.

4. **THE TOWN AND COUNTRY PLANNING BOARD**, through its Member Secretary,
   Having office at Dempo Tower, 2nd floor,
   Patto Plaza, Panaji, Goa-403001.

....Respondents

(Above addresses are registered addresses of parties)

To,

THE HON'BLE CHIEF JUSTICE AND
COMPANION JUDGES, BOMBAY HIGH
COURT AT PORVORIM, GOA

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHOWS AS UNDER

PARTICULARS OF THE CAUSE AGAINST WHICH THIS PIL IS FILED

1. This Writ Petition, filed in the public interest, challenges the constitutionality and vires of Section 39A of the Goa Town and Country Planning Act, 1974, as amended by the Goa Town and Country Planning (Amendment) Act, 2024. The amendment Act came into force on 22.02.2024 vide Gazette Notification No. 7/3/2024-LA-50. The Petitioner also challenges the Goa Town and Country Planning (Change of Zone in the Regional Plan or the Outline Development Plan) Rules, 2024, notified on 07.03.2024, which provide a prescribed form for private landholders to apply for changes in the zoning of their lands. Annexed hereto and marked as **Annexure - 1 (Colly)** is a copy of the impugned TCP Amendment Act, 2024 and Goa Town and Country Planning (Change of Zone in the Regional Plan or

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the Outline Development Plan) Rules, 2024 Rules dated 22.02.2024 and 07.03.3024, respectively.

2. The impugned provisions allow arbitrary and ad hoc changes in the Regional Plan 2021 and Outline Development Plans (ODPs), based on applications from private parties (in addition to government). This unreasoned and capricious practice is contrary to the principle of planned development and infringes the citizens' rights under Articles 14 and 21 of the Constitution of India, causing unprecedented environmental damage and benefiting individual private interests over larger public welfare.

3. This petition also challenges the legality of the proviso to Regulation 6.1.1(d) of the Goa Land Development and Building Construction Regulations, 2010 (hereinafter, Building Regulations) notified on 09.09.2010.

4. The Petitioner submit that the impugned provisions vest arbitrary, unguided, absolute and untrammeled powers in the Respondents to effect colourable changes in the zonal categorisation obtaining within the statutory Regional Plan (RP) and notified ODPs based on requests from interested private parties, and as such, defeats the very purpose of planned development guaranteed to the citizens under Articles 21 of the Constitution of India. Such exercises of power must also run the gauntlet of Article 14, as manifest arbitrariness is inbuilt in the impugned provision.

COURT OF BO

PARTICULARS OF THE PETITIONER

5. The Petitioner is an environmental NGO based in Goa who has approached both, this Hon'ble Court and the Hon'ble Supreme Court time and again over the past three decades, in public interest, for enforcement of the provisions of law relating to environment, coastal law, wildlife, forest, pollution, and the planned development of the State of Goa. The average annual income of the Petitioner society is around Rs. 15 lakhs. The Petitioner states that there is no civil, criminal or revenue litigation involving the Petitioner organizations which has or could have a legal nexus with the issue involved in this PIL. Annexed hereto and marked as **Annexure - 2 Colly** is a copy of the Registration Certificate and Resolution of the Petitioner organization.

Particulars of the Respondents

6. The Respondent No. 1 is the State of Goa, and the Resp. No. 2 is the Secretary in charge of Town and Country Planning. The Resp. No. 3 is the State Town and Country Planning Department, and the Resp. No. 4 is the Town and Country Planning Board.

DECLARATION OF THE PETITIONERS

7. The Petitioner states that this petition is filed by way of public interest for protecting the State of Goa from rampant, un-balanced development and serious ad-hoc and arbitrary diversions in the land use pattern which are contrary to the interests of the citizens of the State, their welfare and well-

being, and are incompatible with the ecological requirements and resources of the state. They are fundamentally altering the character of the statutory land use plan laid down in the Regional Plan 2021 and the various ODPs notified under the TCP Act, 1974. The Petitioner does not have any personal interest in the matter. Reliefs claimed are in public interest.

8. The Petitioner states that the entire litigation costs and other charges are being borne by the Petitioner.

9. The Petitioner states that adequate research has been conducted in the matter raised through the petition and all relevant material has been annexed to the petition. More may be added, if necessary, at a later stage.

10. The Petitioner states that to the best of their knowledge and research the issues raised in the petition was not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner on the same matter either in this Hon'ble Court or in the Supreme Court of India.

11. The Petitioner states that this Hon'ble Court has jurisdiction to hear and decide this matter.

12. The Petitioner states that there is no civil, criminal or revenue litigation involving the Petitioner organization which has or could have a legal nexus with the issue involved in this PIL.

13. The Petitioner has understood that in the course of hearing of this petition, the Court may require any security to be furnished towards costs or any other charges and the petitioner shall

comply with such charges.

FACTS CONSTITUTING THE CAUSE

14. The Goa Daman and Diu Town and Country Planning Act, 1974 was enacted with the objective of providing for the planned development and controls over the use of rural and urban land, and the density of the said use, in the erstwhile Union Territory of Goa, Daman and Diu. The broad scheme of the Act provides for:

I. Preparation and notification of the Regional Plan (RP);

II. Outline development plans for notified planning areas (PAs);

III. Comprehensive development plans for notified PAs;

IV. Town planning schemes, to be proposed and implemented in accordance with the provisions of the relevant development plan.

Despite a span of several decades, the State of Goa has not progressed beyond stages I and II due to constant political interference and lobbies with vested interests.

15. The RP prepared for the State of Goa is a plan which covers the entire state and lays down broad demarcations with respect to zones for agriculture, forestry, industry, urban and rural settlements and other activities. The notified Plan is a public document, owned collectively by the citizens of the state. The Plan statutorily controls all land use in the state –

and the density of its use. No development contrary to the notified Regional Plan may be undertaken by anyone in the State. The plan seeks to achieve density restrictions through the mechanism of capping development FAR in village environments, and similar mechanisms for the urban areas.

16. The RP is prepared after detailed surveys carried out by Respondent No. 2. The RP, being a large-scale exercise covering the entire state and demarcating major usage areas, is typically not to be taken up for revision often or lightly, in order to allow for gradual and organic evolution of human settlements and harmony with ecosystem requirements. In fact, the state legislations for town and country planning in several other States provide that revision shall not be undertaken earlier than 10 years from the approval and notification of the previous RP.

17. After notification of the RP, the government may notify areas needing more detailed planning, including cities and towns. For this, it is to notify PAs with their boundaries and set up Planning & Development Authorities to prepare ODPs for these PAs. The procedure to prepare, notify and approve an ODP or Comprehensive Development Plan (CDP) is provided in the TCP Act, notably under Sections 29 to 39.

18. In the case of Goa, the first RP (with a horizon year of 2001) was notified in 1986. Within months, the original TCP Act was amended in 1988 itself to delete the provision that a revision of an RP shall not be recommended by the Government earlier than five years after a RP has been

notified. Therefore, post-1988, Section 17 of the TCP Act was exploited by the government to direct Respondent No. 2 to undertake piecemeal and ad hoc changes to the RP ("spot zoning") at any time after the RP had been published. Approximately 2241 spot zone changes were made between the years 1988 and 2005, most of which benefitted applicants who sought a change of the zoning of their plots to settlement to either build individual, multi-dwelling units or commercial units. A vast majority of the changes involved the conversion of agricultural land (~71%) while another 21% involved the conversion of natural cover. The State of Goa, therefore lost a large segment of its agricultural and forest lands in such a manner, leading to profound consequences for the ecology and environment of the region, and portends deepening and having a more severe impact on climate change. To facilitate the process, the government even amended the TCP Act in 2001 to permit it to levy charges for such zone changes. The Statement of Object and Reasons (SOR) relating to the 2001 amendment reads as follows:

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Statement of Objects and Reasons

(1) The urbanisation trend in Goa due to industrialisation, tourism and investments from outside coupled with the poor realization from agricultural means have caused high pressure on land development for non-agricultural uses.

(2)Many applications are received by the Government/Town and Country Planning Board

for change of use of a zone from agricultural, orchard, etc. to various non-agricultural uses in the RP, ODPs, Zoning Plans, etc. The process involves scrutiny of the applications, site inspections, placing before the Town and Country Planning Board, notification in Gazette and Government approval. For the Government the above mentioned procedure is an expensive process.

The substantial expenditure is not only for processing the applications, viz. use of government machinery, manpower, notification, stationery, etc. but also for providing manpower for improving the system for such disposals.

(3) On the other hand, for the individual or organization, the change of zone results in substantial benefit in terms of high realization for land as the land value increases manifold when allowed for change from agricultural zone, orchard, etc. to non-agricultural uses or from one non-agricultural use zone to another non-agricultural use zone, etc. In this context, it is rational to impose a levy from the beneficiaries of the process as a fiscal instrument to generate funds

(4) At present, no charges are levied for such change of zone.

HIGH COURT P.C.R.

In view of the above, it is suggested to levy a processing fee and fee for change of zone, in order to mobilize a much needed revenue for the Government of Goa.

This 2001 Bill seeks to achieve the above objects.

19. The financial memorandum that followed the SOR claimed that the Government of Goa would generate revenue of some Rs.1 crore per annum. Annexed herewith and marked as **Annexure 3** is a copy of the Goa Town and Country Planning (Amendment) Bill, 2001.

20. The Petitioner is challenging as a matter of abundant caution the 2001 amendment to the Act permitting the levy of charges for change of zone, as the amendment is outside the scope of the TCP Act, and violates the Act's basic scheme, structure and procedures. For the sake of clarity, the Petitioners are challenging specifically provisions of Section 100A and 101A, which are as follows:

[100A. Levy of processing fee/fees for change of Zone.— *(1) The Government may, by notification, levy a fee to be charged for processing of applications filed with the Board, for change of Zone in notified Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans.*

(2) The Government may, by notification, levy a fee to be charged for change of Zone in Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans from the notified Zone to other Zone.]

[101A. Rate of processing fee/fees for change of Zone.— *The rate of processing fee or fees for change of Zone leviable under section 100A shall be such as may be notified by the Government.]*

21. Such piecemeal changes of the land use or zone of privately owned plots in the RP to benefit select persons under the garb of revision of the plan ultimately resulted in the chaotic development of land in Goa which became very evident with time and was met with strong and popular opposition. Representations were made by various persons and organisations in different forums and in the legislative assembly about the arbitrary and lopsided development taking place in the State of Goa.

22. This chaotic scenario, which benefited the politicians and certain lobbies with vested interest, who controlled the Town and Country Planning Department was brought to an abrupt end in 2005. On 28.03.2005, Smt. Jayshree Raghuraman, the

former Secretary (Town and Country Planning), in her office note, observed that frequent changes of land use made on individual applications had led to "haphazard development and mushrooming of concrete structures with scant regard to planning and land use norms." She also noted that "conscious effort needs to be made to curb this practice of allowing ad hoc changes." The former Chief Secretary (Smt. Kiran Dhingra) concurred with this view. She added that "relaxations under Section 17 of the TCP Act are not well founded in law as they make changes in the Regional Plan without following the provisions of the Act for amendment to the Regional Plan." Annexed hereto and marked as **Annexure 4 Colly** are the copies of the file notings of the former Secretary (TCP) dt. 28.03.2005 and of the former Chief Secretary dt. 30.03.2005.

23. This practice of making ad-hoc changes to the RP on requests from private individuals or promoters was subsequently put to an end when the Government of Goa (during President's Rule) passed an Order to stop entertaining any applications for change in land use/zones. Annexed hereto and marked **as Annexure 5** is a copy of the Order of the Chief Town Planner dated 06.05.2005.

24. To circumvent this Order, the newly formed Government of Goa attempted to promulgate an ordinance being Ordinance No. 3 of 2005 to amend the TCP Act to enable the government to restart the practice of effecting spot changes in the RP based on individual applications. The said Ordinance was notified in the Official Gazette on

03.10.2005. This led to universal condemnation and large-scale protests by the citizens of Goa, which ultimately led to the lapsing of the ordinance. Thus, the 2001 amendment provisions relating to fees chargeable for zone changes were not operationalised. The rule-making power under Section 140 was not amended to enable the government to levy charges for change of zone. Annexed hereto and marked as **Annexure 6** is a copy of the Ordinance as contained in Notification No. 8/3/2005-LA published in the Official Gazette on 03.10.2005.

25. The Town Planning Minister and the TCP department at the time attempted again to make several zone changes *en masse* during the preparation of the RP 2011, as the earlier RP had exceeded its 2001 horizon year. Vast sums of money were exchanged to purchase desirable zoning changes. Though the RP 2001 was in fact notified, the government had to respect massive public opinion against the plan. It therefore amended the TCP Act to permit the denotification of RP 2011 and then denotified the plan. Many of the changes made in RP 2011 were to reappear under the garb of 16B and 17(2) zone changes after 2018 and 2023.

26. The Government of Goa thereafter appointed a Task Force for RP 2021 headed by eminent architect (late) Charles Correia, with Edgar Ribeiro, former Chief Town Planner of the Government of India, as deputy to prepare the RP 2021. After the draft RP 2021 was prepared, it was sent to the villages for their discussion, consultation and approval. However, in almost all cases, the decisions of Gram Sabhas

were not accepted and overruled despite the 73rd constitutional amendment in devolving powers to local bodies.

27. The Government notified the RP 2021 in 3 parts via 3 notifications between 2010 and 2011. However, in March 2012, the succeeding government issued an illegal circular suspending RP 2021. The suspension order was not even notified in the gazette. The RP 2021 was "restored" by another illegal circular 5 years later, in March 2018.

28. A few months thereafter, on 01.10.2018, the Goa Town and Country Planning (Amendment) Act, 2018 was introduced in the Goa Assembly by the succeeding Town Planning Minister who was also a Real Estate Developer. This amendment, notified into law by inserting a new provision viz. Section 16B, to enable the Government of Goa to restart the arbitrary and unconstitutional practice of entertaining individual applications for change of zone in the RP ("spot zoning"), all over again. Section 16B is produced below:

"16B. Change of zone in Regional Plan.—

(1) If at any time, after the Regional Plan comes into operation, the Chief Town Planner (Planning) receives a written request from any person for change of zone of his land in the Regional Plan, he shall, after carrying out such fresh surveys and examination of the matter as may be considered necessary, submit his report to

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the Board and the Government, along with plan showing details about change of zone in the Regional Plan.

(2) Every request under sub-section (1) shall be made in such form as may be prescribed and accompanied by such fees as notified under sections 100A and 101A.

(3) The provisions of sections 12 to 15 shall, mutatis mutandis, apply for change of zone in the Regional Plan submitted under sub-section (1).

(4) After the Regional Plan comes into operation, the Chief Town Planner (Planning) may, with the prior approval of the Government, make such changes in such Regional Plan as may be necessary for correcting any typographical or cartographical errors, omissions or details of proposals not fully indicated or changes arising out of the implementation of the proposals in the Regional Plan:

Provided that all such changes are in the public interest and are notified to the public."

HIGH COURT

29. In order to give effect to the amendment 16B, the Government notified the Goa Town and Country Planning (Change of Zone in the Regional Plan) Rules, 2018. These Rules contained the form for application for zone change, in line with Section 140(2)(dd) of the TCP Act, 1974. However, there is no provision in Section 140 which empowers the government to frame such rules wherein it demands charges for zone changes.

30. Thus, the Respondents by the impugned amendment, once again sought to permit private individuals driven by personal interests to intervene as per their demand for changes in the RP and thus re-introduced the previously abolished concept of ad hoc amendment and alteration of the RP in the State of Goa at the behest of private holders of land. Necessarily, private individuals – mostly real estate developers and speculators driven by profit motive – are ill-suited to make suggestions which would be in the larger public interest. The 2018 amendment, officially permitted private persons to override the larger public interest and those of the environment for their own narrow personal gains. During this time, the TCP department actually ceased functioning in respect of its duties in terms of other provisions of the Act and most of the staff was reassigned to the lucrative new business of handling the thousands of 16B applications seeking zone changes of plots.

31. On 02.11.2018, the Petitioner filed a PIL writ petition in the High Court of Bombay at Goa, P.I.L W.P. 44/2018, praying for an Order or writ of mandamus quashing and setting aside the vires of Section 16B of the TCP Act, 1974.

32. In its Order dated 07.11.2019, the Honorable Court observed that "the submissions made by Mr. Shirodkar [advocate for Respondent 2] that no final approvals have been granted and further there is no possibility of even granting provisional approvals in respect of fresh application." The processing of final zoning changes under Section 16B was subsequently held in abeyance, despite the fact that some 6211 applications had been received by the Town Planning Department. Annexed hereto and marked as **Annexure 7** is a copy of this Hon'ble Courts order in P.I.L. W.P. 44/2018 dated 07.11.2019.

Section 17(2) - Goa Town and Country Planning Act, 1974

33. Faced with the Section 16B challenge, the Government amended the Act to enable another route to achieve the same objective i.e. to grant individual requests for zoning changes, and this time on the specious plea that such requests dealt with errors in zoning affecting the owners of such plots in RP 2021. This amendment was considered to be a more effective surgical strike, since the decision on whether a plot's zoning was an 'error' or a case of 'inconsistent' or 'incoherent' zoning was now left practically to only two individuals: the Chief Town Planner (CTP) and the Town Planning Minister, the first, a subordinate of the second.

34. This amendment to the law was also naturally challenged by the Petitioner before the Honourable High Court vide P.I.L. W.P./16/2023. The PIL is under active consideration of this Court, which is presently considering an application for stay of construction commenced on the first two plots which were granted

approval for change of zone from orchard to settlement, under Section 17(2). The Petitioner submit that almost similar, if not the same rates are charged to persons desirous of converting their eco-zones to settlement under the garb of 'erroneous' or 'inconsistent' or 'incoherent' zoning in RP 2021, as were sought to be levied under Section 16B. The Petitioner has pleaded that Section 17(2) be struck down as being contrary to planning and to the scheme of the TCP Act, 1974, in addition to being violative of fundamental rights under Article 14 and 21 of the Constitution of India.

35. Before the challenge to Section 17(2) could be considered by this Honourable Courts, or perhaps because of it, the Town Planning Minister, in a gross failure of nerve, has gone ahead and opened one more shopping window in the TCP Act for privately instigated zone changes, by amending Section 39 of the Act and introducing Section 39A, which seeks to continue the policy of permitting individual requests for change of zone on request and payment of charges through a third route. It is this provision of law whose vires is challenged in this PIL.

Section 39 A - Goa Town and Country Planning Act, 1974

36. The impugned Section 39A is produced below:

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> ***"39A. Change of Zone.—***
>
> *(1) Notwithstanding anything contained in this Act, the Chief Town Planner (Planning) upon direction of the Government or on receipt of an application in this regards and with approval of the Board, may, from time to time, alter or modify the Regional Plan and/ or the Outline*

Development Plan to the extent as specified in sub-section (2) for carrying out change of zone of any land therein, in such manner as prescribed, after giving notice of 30 days inviting suggestions from the public, provided the change of zone shall not be in respect if any eco sensitive land as may be prescribed.

(2) The alteration or modification carried out under sub-section (1) shall not alter the overall character of the existing Regional Plan and/or the Outline Development Plan."

37. The Petitioner submits that the impugned amendment which inserts the new section 39A, enables the Government to resume the same arbitrary and unconstitutional practice of entertaining individual applications for change of zone in the RP. However, this time there is a further enlargement of the scope of power. This time, thus, the Government of Goa has empowered itself to make changes in the notified ODPs as well. Thus, the entire planned area of the entire State has now become subject to the whims and fancies of influential individuals and real estate lobbies operating in the State with the close and immediate support of the Government of Goa.

38. Thus, the Respondents by this impugned amendment, permits private individuals to intervene as per their demand in the planning process and re-introduces the previously abolished concept of amendment and alteration of the RP for the State of Goa at the behest of private landholders. Necessarily, private individuals – particularly real estate developers with vested

personal interests – are ill-suited to make suggestions which would be in the larger public interest. The impugned amendment however enables private persons to promote their private interests over the larger public interest and those of the environment of the State of Goa for their own narrow personal gains. This impugned amendment is thus violative of Articles 14 and 21 of the Constitution of India.

39. Furthermore, the impugned amendment - Section 39A also violates Sections 13(1) and 35(1) of the TCP Act, which relate to public notice of the RP and public notice of the preparation of the development plan. It does so by reducing the public participation period from what both Sections 13(1) and 35(1) say "shall not be less than two months from the date of notification in the official gazette" to a mere 30 days. Sections 13(1) and 35(1) are re-produced below:

> ***13. Public notice of the regional plan.—***
>
> *(1) The Chief Town Planner (Planning) shall notify the regional plan as modified under section 12, in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on the regional plan within such period as may be specified in such notification: Provided that such period shall not be less than two months from the date on which the regional plan is published in the Official Gazette.'*

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35. Public notice of the preparation of the Development Plan.—

(1) As soon as may be, after the approval of the Government is obtained under section 34, the Planning and Development Authority shall publish, by notification, and also in one or more local newspapers, of the preparation of the Development Plan, indicating therein the place or places where copies of the same may be inspected, and inviting objections in writing to the Development Plan within such period as may be specified in the notice: Provided that such period shall not be less than two months from the date of publication of the notification.'

40. Additionally, the impugned amendment violates Section 29 and 31 of the TCP Act by superseding the authority of the Planning and Development Authorities over the Planning Areas and granting the Chief Town Planner (Planning) the power to modify already notified Development Plans. Section 33(1) envisages such exercise of power only in the case where a Development Plan is not prepared, published and submitted to the Government by a Planning and Development Authority within a stipulated period of time. There is no such situation prevailing as of date. Section 33(1) is produced below:

33. [Power of Government to prepare Development Plan]. *— (1) If a Development Plan is not prepared, published and submitted to the Government by a Planning and Development Authority within the period specified in*

section 29 or section 31, as the case may be, or within the period extended under the proviso to the said sections [or if the Government is of the opinion that such a plan is needed to be prepared by the Chief Town Planner (Planning)], the Government may authorise the [Chief Town Planner (Planning)] to prepare such plan and direct the cost thereof to be recovered from the Planning and Development Authority concerned out of its funds.'

41. The Petitioner submits that merely by inserting a "nil obstante" clause in the amendment, the effects of the other provisions listed above do not disappear or become invalid, in yet another example of the tail wagging the dog.

42. The Petitioner therefore submits that the impugned amendment adding Section 39A to the TCP Act is illogical and inconsistent with the planning scheme as clearly laid out in the TCP Act. This is evident by the fact that Section 39A is part of Section 39, which falls in chapter VI of the Act dealing with the 'Preparation of Development Plans.' RPs, in contrast, are covered in Chapter III, Sections 9-17. In granting to the Chief Town Planner (Planning) the power to 'alter or modify the Regional Plan,' Section 39A moves beyond the ambit and scope of 'Preparation of Development Plans' by extending such powers to modify the RP as well, a jurisdictional domain not considered in Chapter VI and hence Section 39.

43. The Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024, were notified by the Official Gazette (Supplement) Series I No.

49, dated 07.03.2024. These Rules are also impugned in this petition on the following grounds:

a) Vide these Rules, the definition of 'eco-sensitive land' does not align with how eco-sensitive lands are defined in the RP 2021 which is in force. These Rules under Rule 2(c) define eco-sensitive land as follows: *''Eco-sensitive land" means a low lying paddy field, water body, khazan land, flood prone area, land having slope more than 25%, forest land including private forest land, land falling in the buffer zone of Wild Life Sanctuary."*

b) The land uses classified as Eco-sensitive areas in the RP 2021 include, under Eco-sensitive Zone I - No Development Slopes, Paddy Fields/Khazan, River & Nalla/Pond; and, under Eco-sensitive Zone II - Cultivable Land, Natural Cover, Orchard, Irrigation Command Areas, and Salt Pans. Notably, the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 excludes all Eco-sensitive Zone II from the protective scope of the amendment, thereby putting Cultivable Land, Natural Cover, Orchard, Irrigation Command Areas, and Salt Pans on the block, for conversion to non-ecological functions which is an environmental disaster. These changes not only compromise the RP 2021, but also alters its character as it is a major revision, threatens the State of Goa's ecology and environment, violates the TCP

Act, and deprives citizens of their right to life under Article 21 of the Constitution of India. It may also be noted that Rules cannot override the Act.

c) The Petitioner further submits that Section 5 of the Rules concerning 'Scrutiny of applications' is inherently ambiguous and grants gross discretionary power to the Chief Town Planner (Planning) to approve zoning changes without any guidelines, be they social, economic, environmental, or otherwise. Rule 5(ii) states that 'Past commitment/approvals/ sanad granted in respect of land shall be considered.' A 'past commitment' is inherently ambiguous and leaves room for the approval of previously disqualified/denied/illegal zoning changes on the basis of any intimation of 'commitment,' including those under the now omitted Section 16B of the Act, the withdrawn RP 2011, etc.

d) Rule 5 (cl.s iv, v, vii, ix) of the said Rules further gives discretionary powers to the Chief Town Planner (Planning) to consider applications for zoning changes based on the vague 'merit of each case' without any parameters for what constitutes merit. Section 5 (iv and v) are fresh manifestations of Section 17(2). These subsections of the Rules are produced below:

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'5. Scrutiny of applications.— The Department shall carry out scrutiny of the applications submitted under sub-section (1) of section 39 by following the guidelines as specified below:-

...

(iv) In case of land who's zoning has been reverted to agricultural and non-developable zones in Regional Plan 2021 from Settlement zone in Regional Plan 2001 shall be considered on priority and as per the merit of each case;

(v) Applications of individuals who purchased plots in unauthorized layouts in non-conforming zones shall be considered as per the merit of each case;

(vii) Applications by religious, health and educational institutions and applications for employment generating activity and tourism-related projects shall be considered on the merits of the case;

(ix) The public utility and tourism related projects/proposals shall be considered on the merits of the case.'

44. The Government of Goa has commenced the process of receiving applications for zone change under Section 39A in June 2024. Three notifications thus far include a total of 234 applications under Section 39A filed with the department. Annexed hereto and marked as **Annexure 8 Colly** are the copies of these notifications carrying notice of 84 applications, dt. 27.06.2024; 04.07.2024; 25.07.2024; 01.08.2024; 16.08.2024; and 22.08.2024.

45. The first exercises of notification indicate large-scale suppression of relevant information made available to citizens in respect of these changes. This suppression is *mala fide*. Inputs are invited from the public without providing adequate information or by suppressing available information.

Suppression of Information under Section 39A

Table: Analysis of information in Gazette Changes Notifying Change of Zone under Sec. 39A

(27 June – 16 Aug 2024)

Details	**Gazette Notifications w.r.t. Change of Zone under Sec 39A**
	27 June to 01 Aug 2024
Name of applicant	**No**
Date of application	**No**
Survey No (with Sub-Div)	Yes
Total Area	**No**
Village/Town	Yes
Taluka	Yes
District	**No**
Existing zone (as per RP-2021)	**No**
Change of Zone	**No**

Area sought for Change of Zone	**No**
Zoning plan (showing existing zone and change of zone)	**No**
Total Zone Change	**3,82,589 sq. mtrs.**
Rate of CoZ	50 ays

46. It is important to state at this point that by the impugned amendment Act of the same date, Section 16B was deleted from the TCP Act, 1974 and ceased to be effective law. All 6211 applications received are deemed to have become infructuous.

47. The Petitioner is providing a ready reckoner of the various zone changing provisions under Sections 16(B), 17(2) and the impugned Section 39A of the TCP Act below for easy reference:

Comparison points between 16B, 17(2) and 39(A) of the TCP Act, 1974

S. 16B	S. 17(2)	S. 39(A)
DoN: 30.08.2018 In force: 03.10.2018 DoW: 22.02.2024	DoN: 21.02.2023 In force: 02.03.2023	DoN: 22.02.2024 In force: 22.02.2024
a) Any individual can request for zone change in RP. CTP to	a) Govt forms an opinion that inadvertent error or inconsistent / incoherent zoning in RP which is	a) On receipt of direction from Govt or application from any individual, and with

submit a report to the Board & Govt, with a plan showing details.	necessary to be rectified. It may direct the CTP to carry out such rectification and CTP shall notify the change in the gazette as directed.	approval of the Board, CTP may alter / modify the RP or ODP for carrying out change of zone.
b) Provisions of sections 12-15 to apply. **PublicNotice of 60 days.**	b) Procedure under S.s 12-15 not required.	b) Procedure under S.s 12-15 not required for RP. Procedure of S.s 34-38 not required for ODP
c) S. 16B (4): CTP, with prior approval of the govt. may correct typos or cartographical errors. **Changes in public interest for S.16B(4) only.** Public notice must be issued. No time period specified	c) **No public notice or approval of the TCP Board is required.**	c) **Public notice of 30 days' time granted for suggestions to zone changes in both RP and ODP.** d) No change of zone of eco-sensitive land will be allowed.

S. 16B	S. 17(2)	S. 39(A)
Number of Applications for Zone Change		
6,211 - Applications filed **219** applications "Ready for finalization" after scrutiny by the Board and public. Nn final decision in view of HC order. **0** - cases cleared and finally notified.	**1074** - Applications filed from 27 March 2023 to 01 July 2024 (*as per LAQ*) **No public notice prior for finalisation of applications** **301** - cases cleared and finally notified as of 16.08.2024.	**234** - Applications filed from 30th March 2024 to 2nd July 2024 **84** orders notified in the Gazette – seeking public comments. **0** - cases cleared and finally notified.
Total Area Approved for Conversion and Total Area Converted		
Total area of all applications **2,33,41,792 sq.m.** (Approved for Final Notification) **23,16,572 sq.m.**	Finally notified Approx **22,14,289 sq.m.**	

Nature of Area Converted		
[awaiting Govt approval] Orchard - 45,42,781 Natural Cover - 15,28,948 Cultivable land - 7,31,894 Others - 3,78,834	**[finally notified]** Orchard - 10,50,295 Natural Cover - 5,78,909 Paddy Field - 3,43,573 Road - 76,452 Unknown - 69,905 Settlement - 32,158 Industrial - 29,343 Institutional - 18,505 Public - 10,579 Reserve Forest - 5,000	**[proposed for conversion]** Orchard - 2,37,710 Natural Cover - 1,42,462 Unknown - 1,381 C-2 zone - 736 Settlement - 300

48. The Petitioner has submitted their objections to the first notifications under Sections 39A. Annexed hereto and marked as **Annexure 9 Colly** are copies of the Petitioners objection/suggestion letter dated 25.7.2024 and 22.8.2024.

49. Furthermore, the Petitioner wishes to highlight the process of filing of objections. When the RP is revised under Section 17(1), it is considered to be a one-time exercise in a decade. However, piecemeal conversions which have to be notified for suggestions put the citizens on continuous alert and subject them to enormous costs of time and money in the exercise. Citizens had to file objections against 6211 proposed changes under section 16B. Now they have to file objections to another 84 notification orders under Section 39A, which is at the commencement of the process. Such a procedure is inherently unfair, lacks transparency and unreasonable, especially when there is a provision for one-time revision of the whole RP. For this reason, as well, the impugned Section 39A needs to be quashed and set aside.

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Regulation 6.1.1(d), Goa, Land Development and Building Construction Regulations, 2010

50. The Goa, Land Development and Building Construction Regulations, 2010 provide for zoning of the land and its use; preservation and conservation and other aspects relating to planning and development and are to be read with the Regional Plan or the Development Plans of the notified Planning Areas. Regulation 6.1.1 provides for zoning regulations and land use provisions. This regulation ascribes the building norms and restrictions to be followed with regard to each zone as categorised in the RP or other plans. Regulation 6.1.1(d) is produced below:

> ***6.1.1(d): Part-Regional Plan/Zoning Plan/Town Planning Scheme – For the zoning plan/regional plan/town planning scheme and any other plans prepared and in force, the use provisions in those plan areas will be as per TABLE-VI below:***

Zoning Plan/Part Regional Plan/ /Town Planning Scheme	*Zones for provisions of Zoning Regulations*
Residential	*S2*
Commercial	*C3*
Industrial	*I1*
Institutional	*P*
Recreational	*R*

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TABLE-VI

Provided, that if any person intends to develop land in Goa that is not specifically zoned or marked for specific use, or is according to the applicant wrongly designated, the relevant Competent Authority under the Act shall, after giving opportunity to the aggrieved person/persons to present their view point, refer the matter to the Government and the Government may, subject to the provisions of the relevant Act, Rules and Regulations, permit such development, subject to conditions as may be directed to be imposed.

51. Proviso to Regulation 6.1.1(d) implicitly allows application for change of land use by 'any person who intends to develop land in Goa', if according to them, the land is wrongly designated. The same proviso empowers the Government to permit development in any land for which such application is received. This provision purportedly allows change in land use which otherwise cannot be allowed. In this sense, the proviso is an arbitrary empowerment similar to the repealed Section 16B of the TCP Act. For these reasons, the legality of the proviso is challenged on the same ground as Section 16B.

Definition of "Zone"

52. The Oxford English dictionary defines the word 'zone' as *"An area or stretch of land having a particular characteristic, purpose, or use, or subject to particular restrictions."*

53. The Petitioner submit that the Section 16 B of the TCP Act and

Regulation 6.1.1(d) of the Building Regulations, granting private persons the opportunity to seek arbitrary zonal changes of their individual plots, have been enabled due to the highly arbitrary definition of the term "zone" adopted in the Building Regulations.

54. The Petitioner submits that previously, the term "zone" was clearly and appropriately defined close to the dictionary meaning in the Planning and Development Authority (Development Plan) Regulations, 1989. The definition is produced below:

> *"Zone" means an area within the Planning Area that can be clearly set apart from surrounding areas by distinctive marks or features in the Development Plan and within which the same set of Regulations are applicable. (Red book)*

55. However, in 2010, the Building Regulations were enacted and the current definition of the term "zone" as per Regulation 2.(149) was changed and now reads as follows:

> *"(149) "Zone" means the classification given to various areas depending on its land use, in the development plans prepared by the Planning and Development Authority or Town and Country Planning Department;..."*

56. The Petitioner submits that the above definition is ambiguous, repugnant and allows for misleading interpretations of the term "zone" and disregards the definition given by the English dictionary. The crucial ingredient for demarcating lands as zones is the character of the area which sets it apart from other areas by distinctive marks or features in order to attribute certain land use

categorization to them as a distinctive group. However, the current ambiguous definition has allowed the Respondents and private entities to interpret the same to mean that each and any plot can be classified as a separate "zone". Thus, as per Section 39A of the TCPA and the proviso to Regulation 6.1.1 (d) of the Building Regulations, private entities can now request zonal changes on a plot by plot basis, whatever the nature of the land use in which the plot is based. This is completely arbitrary and wholly destructive of planned and sustainable development.

57. The Petitioner submit that this mischievous change in definition was carried out only to allow arbitrary land use changes by the Respondents and is fundamentally contrary to the object of planned development.

58. It is vital that the process of defining zones is done with utmost care and responsibility in order to ensure that control on land use of properties is in public interest and there is no conflict with other land uses and users. The regulations must accord a well-considered, comprehensive and clear definition for the word 'zone' in order to avoid arbitrary exercise of government power.

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GROUNDS:

59. The Petitioners therefore have no alternative but to approach the Hon'ble High Court to bring this exercise in planning lawlessness to heel. The Petitioners are therefore approaching this Hon'ble Court on the following grounds, among others:-

a) The statutory Regional Plan 2021 and the notified ODPs in force in the State of Goa are assets owned by the citizens of the State and cannot be modified or changed at the instigation of private parties. Notified plans are not the property of the Government to change at will or at the behest of private parties. The policy embedded in the impugned Section 39A is a constitutional outlaw besides being outside the scope of the TCP Act, 1974.

b) As can be seen from the tables mentioned herein above, changes under Section 39A are already turning out to be large-scale in nature. Such changes can only be considered within the scope of section 17(1) of the TCP Act which deals with revision of the Regional Plan.

c) It is unreasonable to require individual citizens to respond to hundreds of these proposed changes.

d) Chapter III of the TCP Act (Section 9 to 17C) deals with the RP and lays down detailed procedures to be followed in order to prepare, revise and even withdraw the RP. Section 10 necessitates that a RP is prepared after carrying out such surveys as may be necessary of the physical, social and economic conditions and potentialities of the area in respect of which a RP is to be prepared, with a report explaining the various aspects of development proposed in such a plan. Thereafter Section 13 mandates that the RP so prepared is published inviting comments in writing from the public on the RP. Only after comments from the public have been received and appropriately incorporated, the RP is approved by the

Government under Section 14 and the final RP is published under Section 15. The RP comes into effect as on the date of final publication under Section 15. Section 16 further mandates that no private or public entities shall carry out any development work in contravention to the RP.

e) The TCP Act provides for the revision of the RP under Section 17 (1). The Government can, at any time after a RP has been published in the Official Gazette, if it is of the opinion that a revision of such RP is necessary, direct the Chief Town Planner to undertake the revision of the RP and thereupon the foregoing provisions of this Act relating to the preparation of the RP shall apply to the revision of the RP.

f) Thus, even if areas are wrongly demarcated within the RP, a provision already exists to allow the Government to revise the RP which is in consonance with the scheme of the Act. There is absolutely no justifiable reason to allow private entities any special power to request zonal changes of their properties, furthering only private interests.

g) Sections 29-30 of Chapter VI of the TCP Act deal with the preparation and contents of ODPs, indicating the broad way the land in the planning area is proposed to be used, allocate zones of land for use for various purposes, indicate, define and provide for existing and proposed infrastructure, and regulate building norms, etc. Section 29 specifically mandates that ODPs are to be prepared only after consultation with the concerned local authorities. Section 39A assigns powers to make zoning changes to the Chief Town

Planner (Planning) within ODPs without the need to consult local authorities, thereby violating Section 29 of the Act.

h) The TCP Act already provides a mechanism for the 'Alteration of Development Plan and making of minor changes' in Section 39, which mandates consultation with the concerned local authorities and *'provided that all such changes are in the public interest.'* Allowing private entities in Planning and Development Authority areas to request zonal changes of their properties is hence unjustified and is purely in private interest. Giving the Chief Town Planner power to make and unmake notified ODPs is not provided in the Act.

i) The impugned provisions (including the Rules) allow arbitrary and capricious decision making in contradiction of accepted and standard planning procedure in so far as they permit, by unreasonable and sweeping provisions, that the RP and notified ODPs shall stand amended/altered to the extent as permitted by Respondent No. 1, from time to time. It is difficult to find an innocent explanation for the insertion of these provisions. They are meant to empower governments to make ad-hoc changes, mostly to suit the interests of powerful developers, which is epitome of the charge of manifest arbitrariness.

j) The Petitioners submit that the Hon'ble Supreme Court in the reported judgment in 2012 (2) SCC 232 and 2015 (10) SCC 400 has held that the development/zonal plan has to be framed by democratic institutions and cannot be altered/revised in an arbitrary manner.

k) It is a fundamental jurisprudential tenet that all land, including public land held or administered by a government such as the Respondents herein is so held in trust for the people of the State. Town planning by its very nature falls within a very vital and public domain.

l) The entire purpose and rationale of planning laws is to ensure and control the planning of land and the usage thereof for the benefit of the people who have trusted the Respondents with the prudent and reasonable management thereof for the overall benefit of the public at large. The function carried out by the government in its capacity as the overseer of the development and planning process is a serious and onerous function and Respondent No. 1 is required to honestly and carefully protect the public and act in considered and judicious manner keeping as its foremost and overriding consideration the larger effect of its action, with a view to securing and protecting not only this but future generations.

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m) It is further well-settled law that all actions of the planning authorities are actions which are required to be taken in the interests of the public at large. The impugned provisions clearly and unequivocally vest untrammeled power in the Respondents to both initiate and approve amendments and alterations to the RP for the entire State at the behest of individuals and

individual plot holders, and the same is entirely contrary to honest and transparent governance, the basic principles of planning law and the basic tenets which govern the formulation of town planning schemes, development plans, and original plans. The same is per se arbitrary, unreasonable, burdensome and oppressive and inherently against public interest. Ex facie these provisions are ultra vires Articles 14 and 21 of the Constitution of India.

n) In allowing selective advantage to a few, the impugned provisions (including the Rules) ignore the principles of natural justice for the rest of the stakeholders (the entire population of Goa) who are not landowners, but deserve the right to planned development and participative planning as prescribed by the 73rd and 74th amendment to the Constitution, 1992, which recognizes all people as stakeholders in participatory planning.

o) It is for these purposes that without exception, all planning Acts in the country, including the Goa TCP Act, provide for detailed and comprehensive public participation and recognize the paramount consideration of the public interest in the process of planning adopted by the government. Narrow private and personal interests are totally subsumed by the paramount public interest.

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p) It is significant to note that, under other state Acts, it is always an overriding consideration that only government and not any private holder or individual can seek an amendment of the development plan from the planners, and the overriding consideration is always the better balanced development of the area (see for example (Section 20 of the Maharashtra Regional and Town Planning Act, 1966) or the public interest (Section 14A of the Karnataka Town and Country Planning Act, 1961). **Annexed hereto and marked as <u>Annexure 10 Colly</u>** are the relevant extracts of the Maharashtra Regional and Town Planning Act, 1966 and Karnataka Town and Country Planning Act, 1961.

q) The attempt by Respondent No. 1 to permit individuals to apply for amendments and alterations and subsequently to allow the same, is wholly arbitrary and unjustified. Especially so, in light of the fact that said practice was previously condemned and abolished.

r) The impugned provisions are causing serious distortions in the land use pattern and are also resulting in rampant and unbalanced development, are incompatible with the ecological requirements and resources of the State including available infrastructure and therefore not in the interest of the citizens of the State of Goa. They provide for no checks and balances by any expert body or qualified persons regarding the assessment of the

impact of any alterations or amendments that may be permitted in the unbridled manner provided for an uninformed and unqualified entity, namely Respondent No. 1.

s) For the reasons set out above, the Petitioners therefore state and submit that the said impugned provisions (including the Rules) are in gross violation of the citizens' rights under Articles 14 and 21 of the Constitution of India. Consequently, requiring them to be struck down and/or set aside on that ground alone

t) It is apparent from a bare look at the existing RP that there are no individual holdings mentioned upon the same, and it is inconceivable that any individual holder of land should require an amendment or alteration of the RP unless vast tracts of land within the State are under contemplation for such amendment, and even then it would be impossible to effectively amend or alter the plan with any degree of correctness to accommodate any individual holder or proposal. The Petitioners apprehend that the impugned provisions are specifically aimed at a wholesale and enormous re-definitions of the various zone and land uses in order to accommodate influential persons in the pursuit of the establishment of colossal projects and/or townships by conversion of the land use for huge areas of the state of Goa to the detriment of the people of Goa for whom the Respondents hold and administer the land in trust.

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u) It is now a well-established principle in law as reiterated by the Supreme Court in *Sant Lal Gupta and Ors. v. Modern Coop. Group Housing Society Ltd. and Ors.* [(2010) 13 SCC 336] that what cannot be done directly, is not permissible to be done obliquely, meaning thereby, whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of "*quando aliquid prohibetur, prohibetur et omne per quod devenitur and illud.*" An authority cannot be permitted to evade a law by "shift or contrivance." Therefore, the government cannot usurp powers to allow developments in lands based on a simple request by any private party in which such developments are strictly prohibited.

v) Section 100A and 101A of the Act cannot be sustained, as zoning is a public document, owned by the citizens of the State and part and parcel of the act and procedures of planning which is deemed to be an essential component of Article 21 of the Constitution of India. Handing out zone charges for a fee, which the SOR to the amendment Act itself admits will bring immense financial gains to the beneficiary of the zone change is handing out largesse which is not permitted under the Constitution of India.

w) There is no power allowed under Section 140 of the TCP Act to frame Rules for the purpose of charging fees for zoning changes.

x) The Petitioners submit that the definition of the term "zone" in the Building Regulations is ambiguous, repugnant and allows for misleading interpretations of the term "zone" and disregards the scientific definitions provided in the 1989 PDA regulations and by the English dictionary. The crucial ingredient for demarcating lands as zones, is the character of the area which sets it apart from other areas by distinctive marks or features in order to attribute certain land use categorization to them as a distinctive group. However, the current ambiguous definition has allowed the Respondents and private entities to interpret the same to mean that each and any plot can be classified as a separate "zone".

y) Thus, as per Section 39A of the TCPA and the proviso to Regulation 6.1.1 (d) of the Building Regulations, private entities can now request zonal changes on a plot by plot basis, whatever the nature of the land use in which the plot is based. This is completely arbitrary and wholly destructive of planned and sustainable development.

z) Any other grounds as may be taken at the time of hearing of these matters.

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SOURCE OF INFORMATION

60. The Petitioner is relying on information sought under the RTI Act, information notified in the Public Gazette, as well as information available on Govt. Websites.

NATURE AND EXTENT OF INJURY CAUSED/ APPREHENDED

61. The Petitioner is convinced that if the impugned provisions are allowed to exist, there shall be rampant and unbridled re-definitions of the various zone and conversions of land uses in order to accommodate projects by influential persons with no regard for planned development and the environment. Such practices are entirely against the interest of the public at large and would result in irreversible and grave damage to the environment of Goa. Government has already commenced the process of entertaining applications under Section 39A, hence the urgency for intervention of this Hon'ble Court.

ANY REPRESENTATION MADE

62. The Petitioners have filed objections to the proposed changes vide their letters dated 25.07.2024 and 22.08.2024 to the Chief Town Planner.

DELAY, IF ANY, IN FILING THE PETITION

63. There is no delay in filing this petition. The TCP Amendment Act was notified on 22.02.2024. Thereafter, the rules for operationalizing the amendment were notified on 07.03.2024. Thereafter, the first proposed changes under Section 39A were

notified to the public on 25.6.2024. The final notifications are yet to emerge.

DOCUMENTS RELIED UPON

64. Documents relied upon are listed in the index of this petition.

PRAYERS:

65. In light of the facts and grounds stated above, the Petitioners pray that this Hon'ble Court may be pleased to:

a) Issue an order or writ of mandamus or any other appropriate writ, quashing and setting aside Section 39A of the Goa Town and Country Planning Act, 1974 as unconstitutional and violative of Articles 14 and 21 of the Constitution;

b) For an order or writ of mandamus or any other appropriate writ, quashing and setting aside Sections 100A and 101A of the TCP Act, 1974;

c) For an order or writ of mandamus or any other appropriate writ, quashing and setting aside the Goa Town and Country Planning (Change of Zone in the Regional Plan or the Outline Development Plan) Rules, 2024.

d) For an order or writ of mandamus quashing and setting aside proviso to Regulation 6.1.1(d) of the Goa Land Development and Building Constructions Regulations, 2010;

e) For an order or writ of mandamus quashing and setting aside the definition given to the word 'zone' in the Goa Land Development and Building Constructions Regulation, 2010;

f) For costs of this petition.

g) Pass such other orders as this Hon'ble Court deems fit in the interest of justice and equity.

INTERIM RELIEF

h) During the pendency of this petition in this Hon'ble Court, for an order directing the Respondents to stay any further applications or zoning changes processed under Section 39A until the disposal of this writ petition.

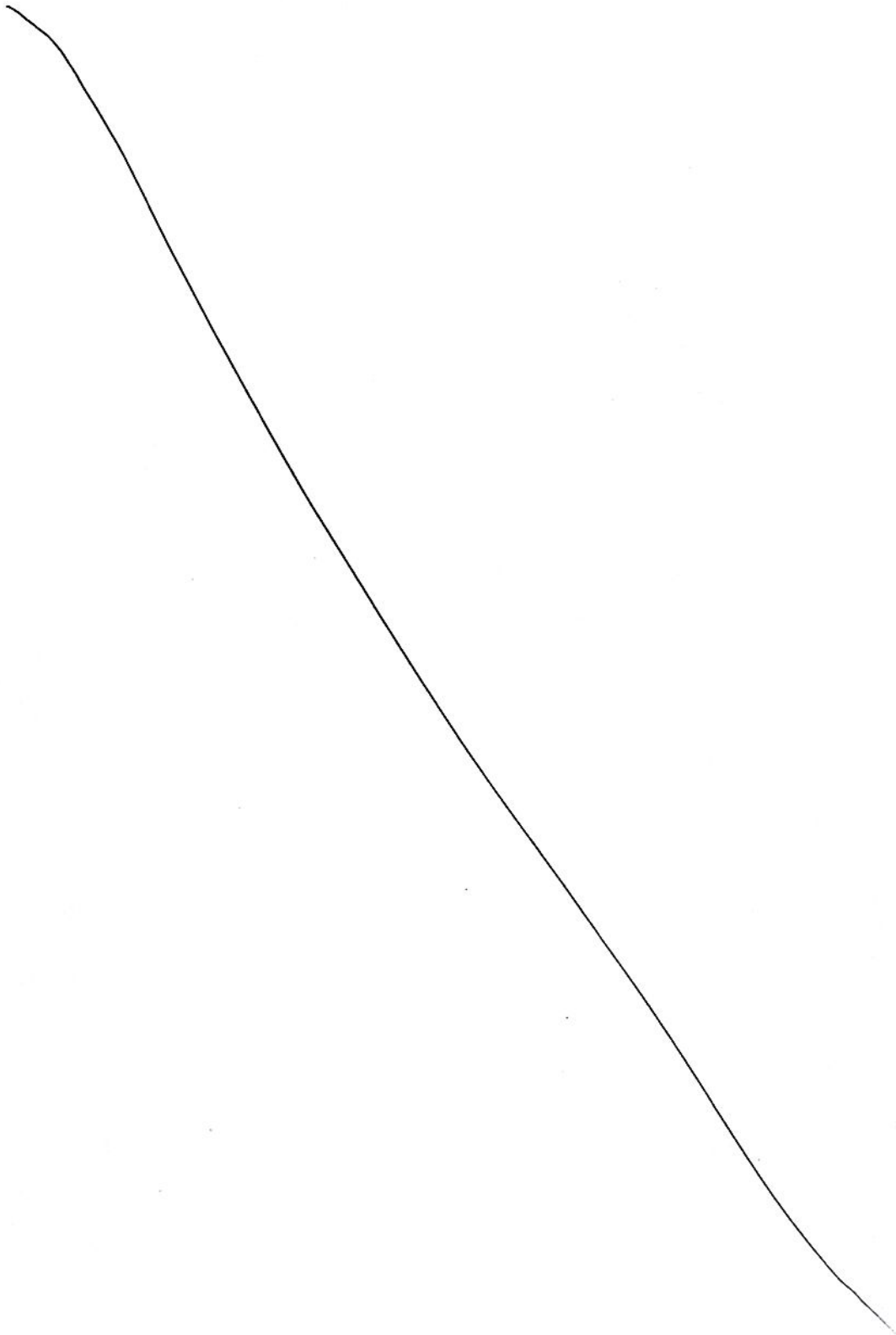
CAVEAT

66. No notice has been received of lodging a caveat by the opposite parties.

Place: Porvorim - Goa.

Date: 18/09/2024

Petitioner



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IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

PIL WRIT PETITION NO. OF 2024

The Goa Foundation)... Petitioner

V/s

State of Goa & Ors.)... Respondents

AFFIDAVIT

I, Arch. Dean D'Cruz, 65 years of age, Indian National, the President of the Petitioner herein the above named PIL, do hereby solemnly affirm and declare as under:-

1. I have today filed a writ petition in public interest for the reliefs sought therein.

2. I state that there is no personal gain, private motive or oblique reason in filing the PIL.

3. The Petitioner is ready to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations, or that it lacks *bona fides*.

HIGH COURT OF BOMBAY AT GOA

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4. The Petitioner shall disclose the source of its information, leading to the filing of the PIL, if and when called upon by the Court, to do so.

5. I solemnly declare and say that what has been stated in paras 1, 2(p), 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14(p), 15(p), 16(p) 17, 18(p), 19, 20(p), 22, 23, 24(p), 25, 26, 27(p), 28, 29(p), 30(p), 31, 32, 33(p), 34(p), 35(p), 36, 37(p), 38(p), 43(p), 44, 45(p), 46(p), 47, 48, 49(p), 50, 51(p), 52, 54, 55, 56(p), 59(p), 60, 61(p), 62, 63, 64, 66 of the accompanying petition is in the nature of facts which are true to my own knowledge and I believe the same to be true and the contents of paras 2(p), 4, 14(p), 15(p), 16(p), 18(p), 20(p), 24(p), 27(p), 29(p), 30(p), 33(p), 34(p), 35(p), 37(p), 39, 40, 41, 42, 43(p), 45(p), 46(p), 49(p), 51(p), 53, 56(p), 57, 58, 59(p), 61(p) are my submissions, made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

6. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at Porvorim this the 18th day of September, 2024

Solemnly affirmed before me by Arch. Dean D'cruz who is identified before me by Adv. Melisa Simoes whom I personally know. Dated this 18th day of Sept 2024

Deponent

Identified by me

ADV. MALISA ZEMIRA SIMOES

Section Officer
High Court of Bombay,
at Goa, Porvorim

ANNEXURE 1 Colly

Reg. No. RNP/GOA/32/2024-2026

RNI No. GOAENG/2002/6410

Panaji, 22nd February, 2024 (Phalguna 3, 1945)

SERIES I No. 47

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

——

Notification

7/3/2024-LA-50

The Goa Town and Country Planning (Amendment) Act, 2024 (Goa Act 3 of 2024), which has been passed by the Legislative Assembly of Goa on 07-02-2024 and assented to by the Governor of Goa on 21-02-2024, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 22nd February, 2024.

————————

The Goa Town and Country Planning (Amendment) Act, 2024

(Goa Act 3 of 2024) [21-02-2024]

AN

ACT

further to amend the Goa Town and Country Planning Act, 1974 (Act 21 of 1975).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (*1*) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2024.

(*2*) It shall come into force at once, except section 2 which shall be deemed to have come into force on the 3rd day of October, 2018.

2. *Omission of section 16B.*— In the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the "principal Act"), section 16B shall be omitted.

3. *Insertion of new section 39A.*— After section 39 of the principal Act, the following section shall be inserted, namely:—

"39A. *Change of Zone.*— (*1*) Notwithstanding anything contained in this Act, the Chief Town Planner (Planning) upon direction of the Government or on receipt of an application in this regard and with approval of the Board, may, from time to time, alter or modify the Regional Plan and/

Suggestions are welcomed on e-mail: dir–gpps.goa@nic.in

/or the Outline Development Plan to the extent as specified in sub-section (*2*) for carrying out change of zone of any land therein, in such manner as prescribed, after giving notice of 30 days inviting suggestions from the public, provided the change of zone shall not be in respect if any eco sensitive land as may be prescribed.

(*2*) The alteration or modification carried out under sub-section (*1*) shall not alter the overall character of the existing Regional Plan and/or the Outline Development Plan.".

SANDIP JACQUES
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Secretariat,
Porvorim-Goa.
Dated: 22-02-2024.

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———♦♦♦———

Department of Town & Country Planning

———

Notification

21/1/TCP/GTCPACT/2024/470

In exercise of the powers conferred by sub-section (*1*) of section 39A read with sub-sections (*1*) and (*2*) of section 140 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement*.— (*1*) These rules may be called the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024.

(*2*) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions*.— (*1*) In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(*b*) "Department" means the Department of Town and Country Planning;

(*c*) "eco-sensitive land" means a low lying paddy field, water body, khazan land, flood prone area, land having slope more than 25%, forest land including private forest land, land falling in the buffer zone of Wild Life Sanctuary;

(*d*) "Form" means a form appended to these rules;

(*e*) "Government" means the Government of Goa;

(*f*) "Outline Development Plan" means the Outline Development Plan notified under section 29 of the Act, which is in force;

(*g*) "Regional Plan" means the Regional Plan notified under section 15 of the Act, which is in force;

(*h*) "Schedule" means a Schedule appended hereto;

(2) The words and expressions used in these rules but not defined shall have the same meanings as are respectively assigned to them in the Act.

3. *Form of application and processing fee for making request for change of zone of land*.— (*1*) A request for change of zone of any land in the Regional Plan or Outline Development Plan under sub-section (*1*) of Section 39 shall be made in Form 'A' hereto to the Chief Town Planner (Planning) alongwith fees as specified in column (*2*) of the Schedule hereto.

(*2*) Where the application submitted under sub-section (*1*) of section 39 is approved by the Goa Town and Country Planning Board and the Government, the applicant shall pay appropriate fee for change of zone as specified in columns (*3*) to (*5*) of the Schedule hereto.

4. *Procedure for change of zone in Regional Plan/Outline Development Plan*.— (*1*) The Chief Town Planner (Planning) upon direction of the Government or upon receipt of application made by any person, under sub-section (*1*) of section 39, for change of zone of any land in the Regional Plan or Outline Development Plan, give notice of the proposed change of zone of land by a notification published in the Official Gazette and in two local newspapers inviting suggestions from the public within a period of thirty days from the date of publication of the notification in the Official Gazette and local newspapers.

(*2*) The suggestions, if any, received in respect of the proposed change of zone of land shall be scrutinized by the Department by following guidelines as specified in rule 6.

(*3*) After expiry of such period of thirty days, the proposal for change of zone of land alongwith suggestions if any received, shall be placed before the Goa Town and Country Planning Board for its recommendation/ /approval.

(*4*) The Chief Town Planner (Planning) shall place the recommendation/decision of the Goa Town and Country Planning Board before the Government for decision.

(*5*) Upon decision of the Government under sub-rule (*4*), the Chief Town Planner (Planning) shall alter or modify the Regional Plan or the Outline Development Plan to the extent as specified in sub-section (*2*) of section 39 for carrying out change of zone of any land therein.

5. *Scrutiny of applications*.— The Department shall carry out scrutiny of the applications submitted under sub-section (*1*) of section 39 by following the guidelines as specified below:-

(*i*) Eco-sensitive land as defined in clause (*c*) of sub-rule (*1*) of rule 2 shall not be considered for change of zone;

(*ii*) Past commitment/approvals/sanad granted in respect of land shall be considered provided that such land is not an eco-sensitive land;

(*iii*) In case of land falling within Coastal Regulation Zone area, the comments of the Goa Coastal Zone Management Authority shall be obtained.

(*iv*) In case of land who's zoning has been reverted to agricultural and non--developable zones in Regional Plan 2021 from Settlement zone in Regional Plan 2001 shall be considered on priority and as per the merit of each case;

(*v*) Applications of individuals who purchased plots in unauthorized layouts in non-conforming zones shall be considered as per the merit of each case;

(*vi*) Wherever required the comments from Forest Department and/or Agriculture Department shall be obtained by the Department and the concerned Departments shall be required to submit their comments in a time bound manner;

(*vii*) Applications by religious, health and educational institutions and applications for employment generating activity and tourism related projects shall be considered on the merits of the case;

(*viii*) Projects which are recommended by Goa Investment Promotion Board shall be given due consideration;

(*ix*) The public utility and tourism related projects/proposals shall be considered on the merits of the case.

6. *Notification of alteration or modification to Regional Plan/Outline Development Plan.*— Every alteration/modification of the Regional Plan or the Outline Development Plan shall be published by the Chief Town Planner (Planning) by notification in the Official Gazette.

SCHEDULE

Rate of processing fee and rate of fee for change of zone

Area of the land in respect of which change of zone is proposed	Processing fee in Rs.	Fee for change of zone to settlement zone or sub-zone settlement (Commercial) per sq. mtr. of land	Fee for change of zone to Industrial zone per sq. mtr. of land	Fee for change of zone to Institutional zone and others per sq. mtr. of land
(1)	(2)	(3)	(4)	(5)
Upto 500 sq. mtrs.	Rs. 5,000	Nil	Rs. 100	Rs. 50
501 sq. mtrs. to 1,000 sq. mtrs.	Rs. 7,500	Rs. 50	Rs. 150	Rs. 50
1,001 sq. mtrs. to 2,000 sq. mtrs.	Rs. 10,000	Rs. 75	Rs. 150	Rs. 50
2.001 sq. mtrs. to 5,000 sq. mtrs.	Rs. 15,000	Rs. 100	Rs. 150	Rs. 50
5001 sq. mtrs. to 10,000 sq. mtrs.	Rs. 20,000	Rs. 125	Rs. 200	Rs. 100
10,001 sq. mtrs. to 20,000 sq. mtrs.	Rs. 30,000	Rs. 150	Rs. 300	Rs. 100
Above 20,001 sq. mtrs.	Rs. 50,000	Rs. 200	Rs. 400	Rs. 150

Note:-

(1) The rate of fee specified in column Nos. (*2*), (*3*), (*4*) and (*5*) above are applicable for land in V.P-2 category villages in Talukas of Pernem, Bardez, Tiswadi, Ponda, Mormugao, Salcete and Canacona as identified in Release-3 Report of Regional Plan 2021: Provided that, the rate of fee in respect of VP-2 category villages in the Talukas of Bicholim, Sattari, Quepem, Sanguem and Dharbandora, as identified in Release-3 Report of Regional Plan 2021, shall be 80% of the rate of fee specified in column Nos. (*2*), (*3*), (*4*) and (*5*) above:

(2) The rate of fee for land in VP-1 category villages and M2 class Municipal areas/coastal villages, shall be increased by 20% and 40%, respectively, over the rate specified for VP-2 category villages.

(3) The rate of fee for change of zone from Industrial zone to Settlement zone shall be as specified in column No. (*3*) above and the rate of fee for change of zone from Settlement zone to Industrial zone shall be as specified in column No. (4) above.

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Form 'A'

(*See* rule 3)

From: _____
_____
_____

To,
_____
_____
_____

1.	Name and address of the applicant	——
2.	Survey No., Village Panchayat and Taluka in which land is situated	——
3.	Whether free hold or lease hold	——
4.	Existing zone as per Regional Plan 2021/Outline Development Plan	——
5.	Road Accessibility/Status	——
6.	Tenancy details	——
7.	CRZ status (River/Sea)	——
8.	Past commitment (such as developments like sub-division approvals by Competent Authorities, Conversion Sanad under Land Revenue Code, 1968, building approvals/NOC's etc.	——
9.	Change of Zone sought for (Specify the proposed zone)	——
10.	Area of land sought for change of zone	——
11.	Nature of land, specify whether sloping/low lying	——
12.	Purpose of change	——
13.	Details of processing fee paid	——

Date:
Place:

Signature of the Applicant

Enclosed following documents:

i) Survey Plan.
ii) Form I & IV.
iii) Ownership documents.
iv) Zoning Certificate.
v) Contour Plan, photograph of the property, if required.

By order and in the name of the Governor of Goa.

Vertika Dagur, Chief Town Planner (Admn.) & ex officio Joint Secretary.

Panaji, 6th March, 2024.

www.goaprintingpress.gov.in

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ANNEXURE 2 Colly

C E R T I F I C A T E
****

In view of the Affidavit filed by the Secretary of the Society ' THE GOA FOUNDATION ' for the purpose of 3 (B) (4) of the Societies Registration (Goa Amendment) Act,1998, it is hereby certified that the registration of the said Society, registered under the Societies Registration Act, 1860 under No.23/Goa/86 is hereby renewed for a further period of five years w.e.f. 11-6-2000.

Dated:- 2nd August, 2000.

OFFICE OF INSPECTOR GENERAL SOCIETIES
PANAJI

(P. V. S. Sardessai)
Inspector General
By -Order

Registration renewed till 11-06-2015
Dated 21/01/2011

Inspector General of Societies/
/District Registrar (North Goa)
By Order

21/1/2011

Office of Inspector General of Societies
North Goa, Panaji

Registration renewed till 11-06-2020
Dated 24-09-2015

Inspector General of Societies/
/District Registrar (North Goa)
By Order

24/9/2015

Office of Inspector General of Societies
North Goa, Panaji

Registration renewed till 11-06-2025
Dated 11-09-2020

Inspector General of Societies/
/District Registrar (North Goa)
By Order

11/09/2020

Office of Inspector General of Societies
North Goa, Panaji

GOA
FOUNDATION

G-8, St Britto's Apartments, Feira Alta, Mapusa 403507 Goa, INDIA
Tel: +91-(0)832-2256479; 2263305 *(also fax)*
E-mail: goafoundation@gmail.com *Website:* www.goafoundation.org

Certified Copy of Resolution of the Goa Foundation

Certified that the resolution copied below was unanimously passed and adopted at the AGM of the Society held on 13.8.2021:

"This AGM hereby authorises either the President or the Secretary to approach appropriate fora including the NGT, High Court and Supreme Court in respect of the public interest matters approved for filing after discussion at the AGM held on 13th August 2021."

(Dr Claude Alvares)

Secretary

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM GOA

PIL WRIT PETITION NO._____ OF 2024

The Goa Foundation ……**Petitioners**

v/s

The State of Goa. & Ors ….. **Respondents**

UNDERTAKING

I, Arch. Dean D'Cruz, President of the Petitioner Organisation, undertake that I will disclose the source of information leading to the filing of the Public Interest Litigation if and when called upon by the Court to do so.

Place: Porvorim, Goa

Date: 18.09.2024 Petitioner

ANNEXURE 3

Legislative Assembly of Goa

The Goa Town and Country Planning (Amendment) Bill, 2001

(Bill no. 37 of 2001)

(~~To be~~ introduced in the Legislative Assembly of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
MARCH, 2001

THE GOA TOWN AND COUNTRY PLANNING (AMENDMENT) BILL, 2001

(BILL No. 37 of 2001)

A

BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:-

1. *Short title and commencement.*— (*1*) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2001.

(*2*) It shall come into force at once.

2. *Insertion of new section.*— In the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975)(hereinafter referred to as the 'principal Act"), after section 100, the following section shall be inserted, namely:-

"100A: *Levy of processing fee/fees for change of Zone.*— (*1*) The Government may, by notification, levy a fee to be charged for processing of applications filed with the Board, for change of Zone in notified Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans.

(*2*) The Government may, by notification, levy a fee to be charged for change of Zone in

Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans from the notified Zone to other Zone".

3. *Insertion of new section.*— After section 101 of the principal Act, the following section shall be inserted, namely:-

"101A. *Rate of processing fee/fees for change of Zone.*— The rate of processing fee or fees for change of Zone leviable under section 100A shall be such as may be notified by the Government.".

Statement of Objects and Reasons

(*1*) The urbanisation trend in Goa due to industrialisation, tourism and investments from outside coupled with the poor realization from agricultural means have caused high pressure on land development for non-agricultural uses.

(*2*) Many applications are received by the Government/Town and Country Planning Board for change of use of zone from agricultural, orchard, etc. to various non-agricultural uses in the Regional Plan, Outline Development Plans, Zoning Plans, etc. The process involves scrutiny of the applications, site inspections, placing before the Town and Country Planning Board, notification in Gazette and Government approval. For the Government all this procedure involves a lot of expenditure..

The substantial expenditure is not only for processing the applications, like use of government machinery, manpower, notification, stationery, etc. but also for providing manpower for improving the system for such disposals,

(*3*) On the other hand, for the individual or organization, the change of zone results in substantial benefit in terms of high realization for land as the land value increases manifold when allowed for change from agricultural zone, orchard, etc. to non-agricultural uses or from one non-agricultural use zone to another non-agricultural use zone, etc. In this context, it is rational to impose a levy from the beneficiaries of the process as a fiscal instrument to generate funds.

(4) At present, no charges are levied for such change of zone.

In view of the above, it is suggested to levy a processing fee and fee for change of zone. in order to mobilize a much needed revenue for the Government.

This Bill seeks to achieve the above objects.

Financial Memorandum

The proposal will generate revenue of about Rs. 1 crore per annum.

Memorandum Regarding Delegated Legislation

Proposed section 100A of the Act empowers the Government to, by notification, levy a fee for the purpose specified therein and proposed section101A of the Act empowers the Government to notify the rate of processing fee or fee for change of zone under section 100A,

These delegations are of normal character.

Porvorim Goa
19th March, 2001

PRAKASH PHADTE
Minister for Town & Country Planning

Assembly Hall
Porvorim, Goa
19th March, 2001

R. KOTHANDARAMAN
Secretary to the Legislative Assembly of Goa

ANNEXURE

Extracts of Section 100 & 101 of the Goa, Daman and Diu Town and Country Planning Act, 1974

100. *Levy of Development Charge.*— (1) Subject to the provisions of this Act and the rules made thereunder, and with the previous sanction of the Government, every Planning & Development Authority shall, by a notification, levy a charge (hereinafter called the Development Charge) on the carrying out of any development or the institution or charge of use of land for which permission is required to be obtained under Chapter VII, in the whole or any part of the Planning area, at the rates specified in section 101:

Provided that different rates may be specified for different parts of the planning area.

(2) The Development Charge shall be leviable on the person who undertakes or carries out such development and institutes or changes any such use.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no Development Charge shall be levied on the development or institution, or change of use of any land vested in, or under the control or possession of, the Central Government, the Government or any local authority.

(4) The Government may by rules provide for exemption from the levy of development charge on the

development, institution or change of use of any land under this section.

101. *Rates of development charge.*— The maximum and minimum development charges and the classification on the basis of which such maximum and minimum charges are fixed shall be such as may be prescribed.

Assembly Hall
Porvorim, Goa
19th March, 2001

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa

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N/2

Office of Secretary (TCP)

May kindly see detailed note put up by the Chief Town Planner from pages 1/cto 11/c placed opposite regarding functioning of the Town and Country Planning Department, pendency of cases under various heads and suggestions for short term and long term remedial measures, as desired by His Excellency in a meeting held on 14/03/2005 at old Secretariat, Panaji.

The Goa, Daman and Diu Town and Country Planning Act, 1974 was enacted to provide for planning the development and use of rural and urban land in the erstwhile Union Territory of Goa, Daman and Diu and for purposes connected therewith. The Act envisages setting up of a Town and Country Planning Board with the Minister for Town and Country Planning in charge as the Chairman and Secretaries and Head of the Department of Government of Goa as members representing certain departments, four members nominated by the Central Government, two members with special knowledge of town and country planning, architecture, engineering etc. one representative of Chamber of Commerce and Industry, two members of Legislative Assembly and the Chief Town Planner as the Member Secretary. The function of the Board as envisaged in the Act is primarily to advise the Government in matters relating to planning, development and use of rural and urban land in Goa and perform any other functions as Government may assign from time to time

Issued to Diana Tavares
29-05-2018
(Previously PL0-6)
(HQ)

As pointed out by the CTP in his note placed opposite, Regional Plan for the entire State of Goa was published in 1986 with the year 2001 as the Horizon Year. Thereafter the revised Regional Plan for the Horizon Year 2011 A.D. was prepared by a Consultant appointed by the State Government after elaborate studies of all sectors which is yet to be finalized. The suggestions/objections have been called for, after draft Regional Plan 2011 was notified on 6/07/2004 giving 60 days time for receipt of objections and suggestions upto 5/09/2004.

During the course of discussions with C.S. when CTP was also present, it was felt that there is a dire need for finalizing the revised Regional Plan 2011. Under section 17 of the Town and Country Planning Act, the is empowered to ~~direct~~ the CTP to undertake the revision of the

Regional Plan at any time after the Regional Plan has been published and it is of the opinion that revision of such Regional Plan is necessary It was observed during discussions that most of the cases pending with the Town and Country Planning Department related to change in land use or conversion of land use vis-à-vis the Regional Plan and Outline Development Plans. The statement at Annexure 'A' is also indicative of this position. The crux of the problem in the Department has been frequent change of land use in individual cases ranging from small plots to thousands of square metres of land, on the advise of the Town and Country Planning Board and with the approval of the Government. This has not only led to hap hazard development but resulted in mushrooming of concrete structures with the scant regard to planning and land use norms.

Secondly, various areas have been declared as planning areas for the purpose of this act and various Planning and Development Authorities constituted for the purpose of performing the functions assigned under this Act, namely, preparation of ODPs, Land Use Map and Land Use Register and Comprehensive Development Plans. Time – lines have been indicated in the act itself for preparation of ODP by a PDA and the Comprehensive Development Plans. The PDAs are required to prepare the ODP in consultation with the local authorities within one year from the date of its constitution and the Comprehensive Development Plan within three years from the date of constitution. Five such PDAs have been set up in Goa from time to time, as given below but none of them have been able to complete the preparation of ODPs, Comprehensive Plan and Land Use Map and Register within the prescribed time.

i) Panaji;

ii) Margao;

iii)Vasco;

iv) Ponda and

v) Mapusa

Approvals in the past have been granted for change in land use and conversion of land use to provisions made in the Regional Plan as well as the ODPs and Zoning areas as indicated in Annexure 'A'. A large number

Issued to Diana Tavares
29-05-2018
PIO-8 (Previously PIO-6)
Panaji

can be seen from the statement at Annexure 'A' and the detailed list of cases of Regional plan pending for provisional approval by the TCP board as on 15-03-2005 at Annexure ARP-1 .

Conscious effort needs to be made to curb this practice of allowing ad-hoc changes. Concern has been expressed by members of the public, various MLAs in different forums and on the floor of the House about the lopsided development of Goa which is becoming visible as days go by. His Excellency has also desired that the Department should put up ~~such~~ proposals for plugging the loopholes in the system with the main objective of bringing about overall planned development of Goa. With that in view, it may be necessary to take the following short term measures:-

1) The draft Regional Plan 2011 in respect of which objections/suggestions have already been received may be updated within a period of 60 days by a Expert Sub-Committee as suggested in the note of the CTP at page 4/c;

2) Invoke the powers of the Government as contained in section 28 of the Town and Country Planning Act to update the Land Use Map and Register within a period of 90 days and direct the CTP to prepare such a map and register in respect of areas falling under the erstwhile PDAs which have already been disbanded vide Notification No. 4-5-UDD(part)/481 dated 4/02/2005; No.4-UDD(part)/482 dated 4/02/2005; No. 4-5-UDD(part)/483 dated 4/02/2005. (page 12/C), jointly in consultation with the Director Settlement and Land Records who is already getting resurvey of the whole of Goa conducted through a specialized Agency.

3) All pending applications under various categories i.e change required under the Regional Plan, ODP and Zoning Regulation by individual applicants may be disposed of in the manner indicated in the note of CTP;

Issued to Diana Tavares
29-05-2018
(previously PIO-6)
(HQ)

4) No new application for change of zone/land use/conversion may be entertained by the Town and Country Planning Department or by the Collectors /Dy.Collectors under the relevant provisions of the Land Revenue Code till such time the Regional Plan is revised . This however, will not apply normal conversion application made under Land Revenue Code which confirm to Regional Plan 2001.

5) All pending applications for grant of NOCs/ Sub-Divisions of plot permissions given by the Town and Country Planning Act for issue of construction licenses by the local bodies/Municipal Councils/ Panchayats, NOC for conversion under LRC may be taken stock of and disposed of expeditiously within the next 30 days;

6) All matters relating to the erstwhile PDAs and pending applications may be disposed of by the concerned Town Planner/Custodian appointed by the Government as per orders already issued* and within 15 days and all files reported to be missing or lost or untraceable be tracked down and list prepared. P. 12-15/c.

The following long term measures may also be considered to be taken.-

1) an amendment to the provisions of the Town and Country Planning Act may need revision for incorporating an Advisory Council under the chairmanship of Chief Secretary comprising of eminent professionals like Planners/Architects/Engineers and various experts to advise the ~~Government~~/Town and Country Planning Board on the recommendations to the Govt made in achieving the aims and objectives envisaged in the Town and Country Planning Act; 'A'

contd-:- 1-

Issued to Diana Tavares
29-05-2018
PIO - 8 (Previously PIO-6)
Panaji

2) an amendment in the composition of the TCP Board may have to be brought about. The approval accorded by the TCP Board of which Minister for Town and Country Planning is the chairman may be put up for approval of the Chief Minister of Goa which may be deemed to be Government approval for all purposes, as any modifications or changes in the Regional Plan/ODP or Zoning invariably impacts the functions of various departments under the Government of Goa and coordinated approach is necessarily required to be ~~taken~~ made.

3) His Excellency also desired that minimum standard land rates of various areas of land in Goa should also be determined. Revenue Department is already working on a proposal for not only prescribing minimum values for different chunks of land under different categories coinciding with the boundaries for various categories under the revised Regional Plan 2011 but also revision of fees for conversion and compensation for land acquisition etc.

4) To my mind, there should be only one Development Authority in Goa which can have different Divisions or Wings looking after the development of planning area which may be notified from time to time or at best, have two Planning Development Authorities as given below;-

i) a coastal zoning Planning and Development Authority looking into Planning and Development of the coastal areas vis-à-vis Coastal Zonal Regulation etc. with an eye for improving tourism potential of the State of Goa;

ii) A Goa Planning and Development Authority for the remaining part of the State of Goa.

May kindly see.

(Smt. Jayshree Raghuraman)
Secretary (Town & Country Plg.)
28/03/2005

C.S.

OFFICE OF C. S.
Entry No. : 3728-P
Date : 28/3/05

Issued to Diana Tavares
29-05-2018
(Previously P10-6)
(HQ.)
Panaji

97

Office of Chief Secretary

The above note is for follow up action on the meeting taken by H.E the Governor on 14/03/2005 on the functioning of the Town & Country Planning Department.

In that meeting, the Governor had asked for a tackle the short term and long-term measures to systematize the Town & Country Planning of the State. Six short term measures and 4 long term measures have been suggested.

In regard to the short-term measures, on reading the note above, it emerges that there has been adhochism in the functioning of the department that is conducive to disorder. While work on the completion and finalization of the regional plan 2011 and preparation of the ODPs of 2001 has remained suspended, change in land use and amendment to the regional plan have been processed without regard to any of the parameters or logic that governs the Town & Country planning process. The short term measures suggest that finalization and notification of the draft Regional Plan 2011 be completed without further delay, and action for disposing of all pending applications be taken up.

While the first is necessary, in reference to the latter, the pending applications, (refer page 7-8/C), it is necessary to ask for a further break up of the pending cases approved by the Board and the Government to identify cases where relaxation has been given in land use vis a vis the Regional Plan. In my opinion, relaxations under section 17 of the TCP Act, are not well founded in law as they make changes in the regional plan without following the provisions of the Act for amendment to the regional plan. It would perhaps be best to take a legal opinion on this matter before considering all pending applications. Similarly, as to cases concerning the Outline Development Plan, when it is known that they have not been framed, a query is

(Pre-page)

N/8

Thus short term measures (1) and (2), for quickly finalizing the regional plan 2011 may be approved by H.E. H.E. may also approve short term measure (4) to put an immediate stop to TCP Deptt. or the Collectors/Dy.Collectors/entertaining any new applications for change of zone/land use/conversion until the Regional Plan 2011 is announced. In respect of short term measures (3) and (5), however, H.E. may be pleased to ask for additional information as prepage and a legal opinion.

As regards long-term measures, Governor may wish to encourage thinking and planning along the lines indicated so that during the President's Rule, the processes can be completed.

(Kiran Dhingra)
Chief Secretary
30/03/2005.

H.E. the Governor.

GOVERNOR'S SECRETARIAT
INW. NO. 1771
DATE 31/3/05

3142
1/4

1/4/05

C.S.

Dhingra 1/4

Sy (TCP)

1/4/2005

C.T.P.

Please take urgent m.c.

1/4/05

STP (HQ)

DYTP (AK)

CTP 7/4/05 Pg. 200

Office of the Chief Town Planner, TOWN & COUNTRY PLANNING DEPARTMENT PANAJI-GOA
Inward No. 1595
Date of Receipt 1/4/05

Issued to Diana Tavares
29-05-2018
(Previously PIO-6)
(HQ)

71

ANNEXURE 5

ORDER 6/5/05

The Government has decided not to accept any applications for change in land use/zone. Consequently no applications will be entertained by the Town and Country Planning Department for effecting any change in land uses/zones

The applications which were pending will be dealt with accordingly as per the policy of the Government..

This order is issued with the approval of the Government .

(Morad Ahmad)
Chief Town Planner &
Ex-officio Jt.Secretary to
Government of Goa.
6/5

Copy to :

1) All the District and Branch offices,
Town & Country Planning Department.

2) Senior Town Planner (HQ)...to issue necessary instructions to the concerned staff, Dy.Town Planners, TCP Board cell.

Copy to :

P.S. to Secretary (TCP).for information

The Senior Town Planner,
TCPD, Margao

Issued to Diana Tavares
29-05-2018
-8 (Previously P.
(HQ)
Panaji

ANNEXURE 6

Reg. No. GR/RNP/GOA/32 RNI No. GOAENG/2002/6410

Panaji, 3rd October, 2005 (Asvina 11, 1927) SERIES I No. 26

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY
No. 3

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

—

Notification

8/3/2005-LA

The Goa Town and Country Planning (Amendment) Ordinance, 2005 (Ordinance No. 3 of 2005), which has been promulgated by the Governor of Goa on 29-9-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 3rd October, 2005.

THE GOA TOWN AND COUNTRY PLANNING (AMENDMENT) ORDINANCE, 2005

(Ordinance No. 3 of 2005)

Promulgated by the Governor of Goa in the Fifty-sixth Year of the Republic of India.

An Ordinance further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974.

Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (*1*) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (*1*) This Ordinance may be called the Goa Town and Country Planning (Amendment) Ordinance, 2005.

(*2*) It shall come into force at once.

2. *Amendment of section 17.*— In the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the "principal Act"), the existing provision of section 17 shall be numbered as sub-section (*1*) thereof and after sub-section (*1*) as so numbered, the following sub-section shall be inserted, namely:—

"(*2*) (*i*) Notwithstanding anything contained in sub-section (*1*), the Government may, upon an application filed by any holder of land, amend/alter, any part of the regional plan from time to time, and for such purpose, the provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the amendment/alteration of the regional plan:

Provided however that the period for inspecting and inviting comments from the public shall not be less than fifteen days.

(*ii*) The regional plan shall stand amended/ /altered to the extent as permitted by the Government from time to time".

3. *Amendment of section 29.*— In section 29 of the principal Act,—

(*i*) the existing provision thereof shall be numbered as sub-section (*1*) thereof and, in sub-section (*1*) as so numbered, after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the Government may, upon an application filed by any holder of land, amend/alter, any part of the Outline Development Plan from time to time, and for such purpose, the provisions of this Act relating to the preparation of the Outline Development Plan shall, as far as may be, apply to the amendment/alteration of the Outline Development Plan:

Provided however that the period for inspecting and inviting comments from the public shall not be less than fifteen days";

(*ii*) after sub-section (*1*) as so numbered, the following sub-section shall be inserted, namely:—

"(*2*) The Outline Development Plan shall stand amended/altered to the extent as permitted by the Government from time to time."

4. *Amendment of section 33.*— In section 33 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) If a Development Plan is not prepared, published and submitted to the Government by a Planning and Development Authority within the period specified in section 29 or section 31, as the case may be, or within the period extended under the proviso to the said sections, or if the Government is of the opinion that such a plan is needed to be prepared by the Chief Town Planner for any planning or non-planning area, the Government may authorize the Chief Town Planner to prepare such plan and direct the cost thereof to be recovered from the Planning and Development Authority concerned out of its funds, if the plan prepared is in respect of a planning area."

5. *Amendment of section 56.*— In section 56 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*IA*) If the Government at any time feels it necessary so to do, the Government may, by order, direct the Chief Town Planner to make one or more town planning schemes for any area and thereupon the provisions of this Act relating to the preparation of such Schemes shall, as far as may be, apply for the preparation of such Schemes by the Chief Town Planner:

Provided however that in respect of such Schemes prepared by the Chief Town Planner, the procedures followed and powers exercised by the Planning and Development Authorities in respect of Schemes prepared by them, shall be followed and exercised by the Chief Town Planner."

S. C. JAMIR,
Governor of Goa.

Place: Panaji

Date: 29-9-2005.

GOVERNMENT PRINTING PRESS,
PANAJI - GOA.
Price : Rs. 2.00

ANNEXURE 7

1 pilwp-16-2019 with pilwp-44-2018 dtd.07.11.19.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION NO. 16 OF 2019

FEDERATION OF RAINBOW
WARRIORS, THR. ITS SECRETARY,
DAVID RODRIGUES AND 3 ORS., **... Petitioners.**

Versus

THE TOWN AND COUNTRY PLANNING
DEPARTMENT,
GOVT. OF GOA, THR.
THE CHIEF TOWN PLANNER AND ANR., **... Respondents.**

Ms. Ronita Bhattacharya, Advocate for the Petitioners.

WITH

PUBLIC INTEREST LITIGATION NO. 44 OF 2018

GOA BACHAO ANBHIYAN,
THR. ITS CONVENOR,
DR. SABINA MARTINS AND ANR., **... Petitioners.**

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 3 ORS., **... Respondents.**

Ms. Norma Alvares, Advocate alongwith Ms. Anamika Gode, Advocate for the Petitioners.

Mr. Deep D. Shirodkar, Additional Government Advocate for Respondents No. 1, 2 and 3.

Coram:- M. S. SONAK &
C. V. BHADANG, JJ.

Date:- 7th November, 2019

P. C.

By order dated 21.08.2019 these matters were placed for final disposal subject to overnight part heard.

2. However, today, on behalf of the Respondents, adjournment is applied for. This request is opposed by Ms. Alvares, the learned Counsel for the Petitioner by submitting that in the meanwhile, applications are being considered for provisional approval relying upon Section 16(b) of the Goa Town & Country Planning Department, the constitutional validity of which is questioned in these Petitions. She therefore submits that if any adjournment is to be granted, then the Respondents must be restrained from considering any further applications.

3. Mr. Shirodkar, learned Additional Government Advocate submits that there are already orders made in these Petitions on 16.01.2019 and 15.07.2019, in which it is made clear that approvals if any, will be subject to the final outcome of these Petitions. He further points out that as of now no final approvals have been granted relying upon the provisions of Section 16(b) of the said Act. He further states that even if any fresh applications are to be considered for granting approvals, the procedure prescribed under Section 12 to 15 of the said Act

requires atleast 2 months for inviting objections, etc. He therefore submits that this is not the occasion for granting any further interim relief in these matters.

4. Taking into consideration the fact that no final approvals have been granted relying upon the impugned provision or the fact that it is not likely that even provisional approvals are likely to be granted upon the fresh proposals received for atleast the next two months, we make no further orders on the request of Ms. Alvares. However, the submissions made by Mr. Shirodkar that no final approvals have been granted and further there is no possibility of even granting provisional approvals in respect of fresh applications for the next 2 months are noted.

6. On the aforesaid basis, we adjourn these matters to 09.01.2020 subject to overnight part heard.

7. Leave to place on record additional documents. Copies to be furnished to the learned Counsel appearing for the Respondents.

C. V. BHADANG, J. ***M. S. SONAK, J.***

msr.

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ANNEXURE 8

OFFICIAL GAZETTE — GOVT. OF GOA
SERIES III No. 13 *27TH JUNE, 2024*

———◆◆◆———

Department of Town & Country Planning

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Notification

No. 36/18/39A/Notification(1)/TCP/2024/01

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021 and the Outline Development Plan of Calangute-Candolim, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1.	176/1	Carapur
2.	101/1 (part)	Assagao
3.	76/0 (part)	Calangute
4.	124/0 (part)	Mandrem
5.	339/1 (part)	Mayem
6.	122/1-A	Morjim

And whereas, in terms of sub-rule (1) of Rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/ /approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 201st meeting held on 11-06-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of Rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 201st meeting held on 11-06-2024 has approved the said proposals for change of zones in the Regional Plan for Goa-2021 and the Outline Development Plan of Calangute-Candolim, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of Rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub-rule (3) of Rule 4 of the said Rules.

By Order and in the name of the Governor of Goa.

Panaji, 25th June, 2024.— The Chief Town Planner (Planning) & ex officio Joint Secretary, *Rajesh J. Naik.*

———◆◆◆———

Reg. No. RNP/GOA/32/2024-2026

RNI No. GOAENG/2002/6410

Panaji, 4th July, 2024 (Ashadha 13, 1946)

SERIES III No. 14

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Notice

No Legal Responsibility is accepted for the publication of Advertisements/Public Notices/Affidavits in the Official Gazette. Persons/Party notifying the Advertisements/Public Notice will remain solely responsible for the Legal consequences and also for any other misrepresentation etc.

Note:- There is one Supplement to the Official Gazette, Series III No. 13 dated 27-06-2024 namely, Supplement dated 01-07-2024 from pages 467 to 476 regarding Notifications from Department of Finance (Goa State Lotteries).

GOVERNMENT OF GOA

Department of Town & Country Planning

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Notification

No. 36/18/39A/Notification(2)/TCP/2024/03

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021 and the Outline Development Plan of Calangute-Candolim Planning Area-2025, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1.	243/0	Corgao
2.	204/0 (part)	Candolim
3.	245/6	Morjim
4.	400/0 (part)	Mayem
5.	104/1 (part)	Parcem
6.	237/0	Corgao

And whereas, in terms of sub-rule (1) of Rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/ /approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 201st meeting held on 11-06-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of Rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 201st meeting held on 11-06-2024 has approved the said proposals for change of zones in the Regional Plan for Goa-2021 and the Outline Development Plan of Calangute-Candolim, Planning Area-2025 in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of Rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before

e)	Assistant Apprenticeship Advisor	— Member.
f)	State Engagement Officer, National Skill Development Corporation	— Member.
g)	Representative from Industries Department	— Member.
h)	Representative from the Department of MSMEs	— Member.
i)	Representatives from the Departments of School, Technical and Higher Education	— Member.
j)	One representative each nominated by Apex Industry Association, if applicable (CII, FICCI, ASSOCHAM, NASSCOM and PHDCCI)	— Member.
k)	One representative each nominated by leading MSME association/body, leading Industry Associations, Chamber of Commerce, etc.	— Member.

The SIRC shall be responsible for:-

a) Overall implementation and monitoring of the Scheme, including compliance with the Scheme guidelines at the State/UT-level.

b) Reviewing State/UT-wide progress of Scheme including the work plans and budget and taking corrective action.

c) Conducting periodic review of the progress of the Scheme at State/UT level.

d) Reviewing progress and achievement of Key Performance Indicator (KPIs) to analyze the outcome of the Scheme at any point of time.

e) Seeking periodic reports from the District Skill Committees (DSC's).

f) Monitoring and reviewing the progress through DSCs and reporting the progress to Slate Skill Development & Entrepreneurship Committee (SSDEC) on Apprenticeship engagement and to MSDE.

g) Reviewing the State/UT level awareness and mobilization efforts under the scheme.

h) Co-ordinate/support Scheme impact evaluation/assessment studies at the ground level.

i) Compiling recommendations from State/UT level stakeholders for putting forward to SMRC and/or taking necessary actions on them as may be deemed fit.

j) Any other matter as matter as may be relevant for the effective implementation of the scheme.

S. S. Gaonkar, Director (SD & E)/State Apprenticeship Advisor.

Panaji, 3rd July, 2024.

Notification

No. 36/18/39A/Notification (3)/TCP/2024/7

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1	2	3
1.	48/10-AV	Cundaim, Ponda.
2.	48/10-AL	Cundaim, Ponda.
3.	48/10-AR	Cundaim, Ponda.
4.	48/10-AK	Cundaim, Ponda.
5.	48/10-AAAAB	Cundaim, Ponda.
6.	400/1 (Part)	Latambarcem, Bicholim.
7.	236/1 (Part) Plot No. 71	Usgao, Ponda.
8.	236/1-AC	Usgao, Ponda.

1	2	3
9.	236/1-AL	Usgao, Ponda.
10.	236/1 (Part) Plot No. 33-B	Usgao, Ponda.
11.	236/1-B	Usgao, Ponda.
12.	236/1-A-G	Usgao, Ponda.
13.	236/1 (Part) Plot No. 34-B	Usgao, Ponda.
14.	236/1 (Part) Plot No. 66	Usgao, Ponda.
15.	236/1 (Part) Plot No. 30	Usgao, Ponda.
16.	236/1 (Part) Plot No.125	Usgao, Ponda.
17.	236/1-T	Usgao, Ponda.
18.	236/1 (Part) Plot No. 34-A	Usgao, Ponda.
19.	236/1 (Part) Plot No. 72-B	Usgao, Ponda.
20.	236/1 (Part) Plot No. 85	Usgao, Ponda.
21.	236/1-AZ	Usgao, Ponda.
22.	41/1-B	Poinguinim, Canacona.

And whereas, in terms of sub-rule (1) of Rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of Rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 has approved the said proposals for change of zones in the Regional Plan for Goa-2021, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of Rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub-rule (3) of Rule 4 of the said Rules.

By order and in the name of the Governor of Goa.

Rajesh J. Naik, Chief Town Planner (Planning) & ex officio Joint Secretary.

Panaji, 23rd July, 2024.

www.goaprintingpress.gov.in

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Department of Town & Country Planning

Notification

No. 36/18/39A/Notification (4)/TCP/2024/10

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021 and the Mapusa Outline Development Plan-2021, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1	2	3
1.	48/10-AQ	Cundaim, Ponda.
2.	48/10-AI	Cundaim, Ponda.
3.	48/10-AJ	Cundaim, Ponda.
4.	236/1-AR	Usgao, Ponda.
5.	236/1 Part Plot No. 16	Usgao, Ponda.
6.	236/1 (Part) Plot No. 39	Usgao, Ponda.
7.	236/1-AW	Usgao, Ponda.
8.	236/1-AM	Usgao, Ponda.
9.	236/1-Y	Usgao, Ponda.
10.	236/1 (Part) Plot No. 90-B	Usgao, Ponda.
11.	236/1 (Part) Plot No. 90-A	Usgao, Ponda.
12.	236/1-Z	Usgao, Ponda.
13.	236/1-V	Usgao, Ponda.
14.	236/1-X	Usgao, Ponda.
15.	236/1-AT	Usgao, Ponda.
16.	236/1 (Part) Plot No. 61-62-A	Usgao, Ponda.
17.	236/1 (Part) Plot No. 72-A	Usgao, Ponda.
18.	122/1-B	Morjim.
19.	Plot 28, P.T. Sheet No. 82, Chalta No. 2	Mapusa, Bardez.
20.	Plot No. 23/3, PT Sheet No. 110	Mapusa, Bardez.
21.	10/1-A	Morgim, Pernem.

And whereas, in terms of sub-rule (1) of Rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 and 203rd meeting held on 29-07-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of Rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 and 203rd meeting held on 29-07-2024 respectively has approved the said proposals for change of zones in the Regional Plan for Goa-2021 and the Mapusa Outline Development Plan-2021, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of Rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub-rule (3) of Rule 4 of the said Rules.

By order and in the name of the Governor of Goa.

Rajesh J. Naik, Chief Town Planner (Planning) & ex officio Joint Secretary.

Panaji, 31st July, 2024.

www.goaprintingpress.gov.in

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Reg. No. RNP/GOA/32/2024-2026

RNI No. GOAENG/2002/6410

Panaji, 16th August, 2024 (Sravana 25, 1946)

SERIES III No. 20

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Notice

No Legal Responsibility is accepted for the publication of Advertisements/Public Notices/Affidavits in the Official Gazette. Persons/Party notifying the Advertisements/Public Notice will remain solely responsible for the Legal consequences and also for any other misrepresentation etc.

Note:- There is one Supplement to the Official Gazette, Series III No. 19 dated 08-08-2024 namely, Supplement dated 09-08-2024 from pages 717 to 726 regarding Notifications from Department of Finance (Goa State Lotteries).

GOVERNMENT OF GOA

Department of Town & Country Planning

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Notification

No. 36/18/39A/Notification(5)/TCP/2024/13

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1	2	3
1.	48/10-AY	Cundaim, Ponda
2.	48/10-AF	Cundaim, Ponda
3.	236/1-O	Usgao, Ponda
4.	236/1 (Part), Plot No. 178	Usgao, Ponda
5.	236/1-AAD	Usgao, Ponda
6.	236/1 (Part), Plot No. 33-A	Usgao, Ponda
7.	236/1 (Part), Plot No. 177	Usgao, Ponda
8.	236/1-AAE	Usgao, Ponda
9.	236/1 (Part), Plot No. 77	Usgao, Ponda
10.	236/1 (Part), Plot No. 171-A	Usgao, Ponda
11.	3/1-H	Usgao, Ponda
12.	3/1-AI	Usgao, Ponda
13.	3/1-AE	Usgao, Ponda
14.	3/1-AG	Usgao, Ponda
15.	3/1-P	Usgao, Ponda

And whereas, in terms of sub-rule (1) of rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/ /approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 and 203rd meeting held on 10-07-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 and 203rd meeting held on 10-07-2024 respectively has approved the said proposals for change of zones in the Regional Plan for Goa-2021, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub--rule (3) of rule 4 of the said Rules.

By Order and in the name of the Governor of Goa.

Panaji, 7th August, 2024.— The Chief Town Planner (Planning) & ex officio Joint Secretary, *Rajesh J. Naik.*

———◆◆◆———

Reg. No. RNP/GOA/32/2024-2026

RNI No. GOAENG/2002/6410

Panaji, 22nd August, 2024 (Sravana 31, 1946)

SERIES III No. 21

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Notice

No Legal Responsibility is accepted for the publication of Advertisements/Public Notices/Affidavits in the Official Gazette. Persons/Party notifying the Advertisements/Public Notice will remain solely responsible for the Legal consequences and also for any other misrepresentation etc.

Note:- There is one Supplement to the Official Gazette, Series III No. 20 dated 16-08-2024 namely, Supplement dated 20-08-2024 from pages 753 to 764 regarding Notifications from Department of Finance (Goa State Lotteries).

GOVERNMENT OF GOA

Department of Town & Country Planning

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Notification

No. 36/18/39A/Notification(6)/TCP/2024/18

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as "the said Proposals");

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1	2	3
1.	236/1 (part) Plot No. 140	Usgao, Ponda
2.	236/1 (part) Plot No. 139	Usgao, Ponda
3.	236/1 (part) Plot No. 14-B	Usgao, Ponda
4.	236/1 (part) Plot No. 189-B	Usgao, Ponda
5.	236/1 (part) Plot No. 145	Usgao, Ponda
6.	236/1 part Plot No. 56-A	Usgao, Ponda
7.	3/1-Z	Usgao, Ponda
8.	3/1-X	Usgao, Ponda
9.	3/1-Y	Usgao, Ponda
10.	3/1-AF	Usgao, Ponda
11.	93/7 (part)	Marra, Bardez
12.	81/4 (part)	Oxel, Bardez
13.	82/6-D	Pilerne, Bardez
14.	68/1-C	Ella, Tiswadi
15.	65/3 (part)	Ella, Tiswadi

And whereas, in terms of sub-rule (1) of rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/ /approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024, 203rd meeting held on 10-07-2024 and 204th meeting held on 29-07-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024, 203rd meeting held on 10-07-2024 and 204th meeting held on 29-07-2024 has approved the said proposals for change of zones in the Regional Plan for Goa–2021, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of

publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub--rule (3) of rule 4 of the said Rules.

By order and in the name of the Governor of Goa.

Panaji, 20th August, 2024.— The Chief Town Planner (Planning) & ex officio Joint Secretary, *Rajesh J. Naik.*

———◆◆◆———

6. Permission/NOCs from other competent authorities should be obtained well in advance.
7. The permission is subject to cancellation/ /revocation at any moment.

The Superintendent of Police (North), Porvorim is directed to publish this notification through the Director of Information and Publicity in local newspapers and to make necessary arrangements to erect the signboard at the above place as per the specification laid down by the Ministry of Road Transport and Highways and as published in the Official Gazette by the Government of Goa and report compliance within thirty days time.

Panaji, 12th April, 2024.— The District Magistrate, Dr. *Sneha S. Gitte,* IAS (North).

ANNEXURE 9 Colly

GOA FOUNDATION

G-8, St Britto's Apartments, Feira Alta, Mapusa 403507 Goa, INDIA
Telephone: +91-9067176274
E-mail: goafoundation@gmail.com *Website:* www.goafoundation.org

25.7.2024

To:

The Chief Town Planner (Planning),
2nd Floor, Dempo Tower, Patto Plaza,
Panaji, Goa.

Sub: Suggestions on the proposals for zone change in villages of Goa approved by the TCP Board under Section 39A of the TCP Act

Ref:
Public Notification No. 36/18/39A/Notification (2)/TCP/2024/01 dated 4/7/2024;
Public Notification No. 36/18/39A/Notification (1)/TCP/2024/01 dated 25/6/202.

Dear Sir,

We have noticed that applications for 12 zone changes under Section 39A of the TCP Act have been submitted to the TCP Department for the villages of, Parcem, Candolim, Calangute, Morjim, Mayem, Corgao and Karapur-Sarvona. Unfortunately, the Public Notice does not provide any information such as current and proposed zoning details, the applicant's name, and land area. The notice does not state any details of surrounding areas and their land use and whether any studies have been done to enable such proposals. Such proposals must always be in public interest and cannot defeat the primary objectives keeping in mind which RP 2021 was prepared and notified.

This lack of details therefore hinders our ability as an environmental organization to properly evaluate the proposals and engage in the development planning of our villages. To uphold transparency and enable meaningful public participation, we suggest that the notification be republished with all relevant details included. Without this information, our Constitutional rights are compromised, and the

procedures of Public Notice within the TCP Act and Goa's democratic process are undermined.

The Public Notice mentions that applications under Sub-Section (1) of Section 39A were received by the TCP Department from individuals. However, the applications, maps of the area and surrounding land use, and the TCP's assessments, including minutes, are not available on your webpage. We suggest that all details of 39A applications, including the applications, maps, scrutiny reports, and TCP Board minutes, be made available on the TCP webpage at the time of Public Notice. The 30-day period for suggestions under 39A should only commence once these details are accessible.

The aforementioned villages are all coastal or riverine, and already experiencing increased traffic congestion, noise and air pollution, and restricted mobility, which hampers essential services like fire and ambulance access. Expanding settlement areas or removing essential roads will exacerbate these issues. We suggest that the TCP Department establish a transparent framework for assessing the spillover impacts on villages before considering 39A applications. These impacts include the potential for landslides, flooding, and construction-related pollution, particularly affecting groundwater.

We urge you to consider our suggestions and revoke the current notification. We recommend that a comprehensive study be conducted to ensure any future proposals for zone changes under Section 39A are in the long-term public interest of the state of Goa. All relevant facts should be made public to guarantee a robust participation process.

Yours faithfully,

Dr Claude Alvares
Director

GOA FOUNDATION

G-8, St Britto's Apartments, Feira Alta, Mapusa 403507 Goa, INDIA
Telephone: +91-9067176274
E-mail: goafoundation@gmail.com *Website:* www.goafoundation.org

22.08.2024

To,
The Chief Town Planner (Planning),
2nd Floor, Dempo Tower, Patto Plaza,
Panaji, Goa.

Sub: Suggestions on the proposals for zone change in the villages of Usgao, Poinguinim, Parcem, Morjim, Mandrem, Latambarcem, Cundaim, Corgao, Calangute and Assagao approved by the TCP Board under Section 39A of the TCP Act

Ref:
Public Notification No. 36/18/39A/Notification (1)/TCP/2024/01 dated 25/6/2024 &
Public Notification No. 36/18/39A/Notification (2)/TCP/2024/01 dated 4/7/2024

Sir,

It has come to our attention that applications under Section 39A of the TCP Act for zone changes in several survey numbers of the villages listed above have been submitted to the TCP Department. Unfortunately, the Public Notice lacks essential details such as the current and proposed zoning information, as well as the applicant’s name and land area. This is an unacceptable Public Notice.

This omission deprives us of our ability as an environmental organization to assess the proposal's merits and participate effectively in the consideration of these proposals in the interest of planned development which is our fundamental right. We suggest that all relevant details be included in Section 39A Public Notices to uphold transparency and enable public response. Without this, our Constitutional rights are denied, and the procedures of Public Notice within the TCP Act and otherwise expected within Goa’s democratic process are violated.This is without surrender of our right to challenge the very *vires* and constitutionality of section 39A should the department go ahead with a final notification.

The Public Notice also states that applications under Sub-Section (1) of Section 39A were received by the TCP Department. However, the applications, maps, and the TCP Board’s

assessment of the same, including the TCP Board Meeting minutes, are missing from your website. Our second suggestion is to make all 39A application details, including the applications themselves, maps, scrutiny reports, if any, and the relevant TCP Board minutes available on the TCP website at the time of Public Notice. The 30-day period for Suggestions under 39A can only begin after such details are available.

We are concerned about whether the increase in settlement land that such zone changes will bring about can be accommodated by the water, sewer, electricity, road, and solid waste management infrastructures in these villages. We do not currently have 24/7 electricity supply, and STP, water in any of these villages, and road capacity in these areas is already overburdened. We suggest that the TCP Department request other departments and the Village Panchayats to enhance these infrastructures up to the required level before it approves any 39A zone changes.

Our villages have been experiencing increased traffic and congestion, including noise and air pollution and restricted mobility. This hampers fire and ambulance and other essential services. Increase in settlement area is sure to increase such harms to our villages. We suggest that the TCP Department establish a robust and transparent framework for assessing spillover harms on villages before such 39A applications are considered. These harms include the potential for landslides, flooding, and construction-related pollution (especially groundwater) due to developments approved under 39A.

We hope you heed our suggestions and revoke the current notifications. We suggest that you have your team do a complete study of the matter, and only then recommend a way forward that is in the long-term, public interest of the state of Goa, before processing any further proposals for individual change of zone under section 39A, while putting all the facts in the public domain to ensure a robust public participation process.

Yours faithfully,

Dr Claude Alvares
Director

ANNEXURE 10 Colly

EXTRACT

GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

Maharashtra Act No. XXXVII of 1966

The Maharashtra Regional and Town Planning Act, 1966

(As modified upto 26th November 2015)

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS, MUMBAI AND PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS, MAHARASHTRA STATE, MUMBAI 400 004.

[*Price :* Rs. **80-00**]

THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

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Exclusion of claims for compensation for injurious affection.

19. No compensation shall be awarded—

(*a*) if and in so far as any property or any right or interest therein alleged to be injuriously affected by reason of the provisions contained in any plan or scheme, is subject to substantially similar restrictions in force, under some other law which was in force on the date on which, such injurious affection took place or the restrictions were imposed by this Act ;

(*b*) if compensation in respect of such injurious affection or restrictions imposed under this Act or substantially similar injurious affection or restriction in force under any other law has already been paid in respect of the property or any right or interest therein to the claimant or to any predecess or in interest of the claimant.

[4][Revision or modification] of Regional plan.

20. (*1*) If the State Government at any time after a Regional plan has come into operation, but not earlier than ten years therefrom is of the opinion that revision of such Regional plan is necessary and there is no Regional Board for the Region to which plan relates, to undertake such revision, the State Government may constitute a Regional Planning Board under section 4, or a Regional Board may, with the previous approval of the State Government, also revise the Regional plan; and thereupon, the foregoing provisions of this Chapter shall, so far as they can be made applicable, apply to the revision of the Regional plan as those provisions apply in relation to the preparation, [1][publication of notice] and approval of a Regional plan.

[2][(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may, at any time after a Regional Plan has come into operation, make any modification in such plan in the manner hereinafter provided if in its opinion such modification is necessary for the [3][development] of the Region for which such plan has been prepared and approved.

(*3*) For the purpose of modifying a Regional plan under sub-section (*2*) the State Government shall publish a notice in the *Official Gazette* announcing its intention to make the modification specified in the notice and invite objections or suggestions from any person with respect to such modification in writing with reasons therefor within such period as may be specified in the notice. The notice shall also be published in at least one newspaper having wide circulation in the Region and in such other manner as the State Government may think fit in the circumstances of each case.

---

1 These words were substituted for the word "publication" by Mah. 6 of 1976, s. 6(*a*).

2 Sub-sections (*2*), (*3*) and (*4*) were substituted for sub-sections (*2*) and (*3*), *ibid.*, s. 6 (*b*).

3 This word was substituted for the words "balanced development" by Mah. 43 of 2014, s.8 (*a*), w.e.f. 22-4-2015.

4 These words were substituted for the word "Revision", by Mah. 6 of 1976, s. 6 (*c*).

(*4*) After considering the objections and suggestions in respect of the draft modification under sub-section (*2*), the State Government may approve the modification of the Regional plan with such amendments, if any, as it may think fit, [1][or decide not to accord approval] and shall publish a notification in the *Official Gazette,* stating that the modification of the Regional plan specified therein [2][has been approved with or without amendment or has not been approved, as the case may be. In case the modification is approved, then such notification] shall also state the place where a copy of modification to the Regional plan may be inspected at all reasonable hours, and shall specify therein a date on which the modification of the plan shall come into operation.]

CHAPTER III

DEVELOPMENT PLAN

[3][(*a*) *Declaration of intention, preparation, submission and sanction to Development plan.]*

Development plan.

21. (*1*) As soon as may be after the commencement of this Act, but not later than three years after such commencement, and subject however to the provisions of this Act, every Planning Authority shall carry out a survey, prepare an existing land-use map and prepare [4]* a draft Development plan for the area within its jurisdiction, in accoradance with the provisions of a Regional plan, where there is such a plan [5][, publish a notice in the *Official Gazette* and in such other manner as may be prescribed stating that the draft Development plan has been prepared] and submit the plan to the State Government for sanction. The Planning Authority shall also submit a quarterly Report to the State Government about the progress made in carrying out the survey and preparing the plan.

(*2*) Subject to the provisions of this Act, every Planning Authority constituted after the commencement of this Act shall, not later than three years from the date of its constitution, [6][[7][declare its intention to prepare a draft Development plan, prepare such plan and publish a notice of such preparation in the *Official Gazette*] and in such other manner as may be prescribed] and [8][submit the draft Development plan] to the State Government for sanction.

[9][(*3*) On an application made by any Planning Authority, the State Government may, having regard to the permissible period specified in the preceding sections, from time to time, by order in writing and for adequate reasons to be specified in such order, extend such period.]

---

1 These words were inserted by Mah. 43 of 2014, S. 8 (*b*)(*i*).

2 These portion was substituted for the portion begining with the words "has been approved" and ending with the words "the notice" by Mah. 43 of 2014, s.8 (*b*)(*ii*).

3 This sub-heading was substituted for the sub-heading " *(a) Preparation, submission and sanction to Development plan.*", by Mah. 5 of 2014, s.2, w.e.f. 4-10-2013.

4 The words "and publish" were deleted by Mah. 6 of 1976, s. 7(*a*)(*i*).

5 These words were inserted, by Mah. 6 of 1976, s.7(*a*)(*ii*).

6 These words were substituted for the words "prepare a draft Development plan and publish a notice of such preparation of the *Official Gazette*", by Mah. 5 of 2014, s.3(*a*), w.e.f. 4-10-2013.

7 These words were substituted for the words "and publish in the prescribed manner a draft Development plan,", by Mah. 6 of 1976, s. 7(*b*)(*i*).

8 These words were substituted for words "submit it", by Mah. 6 of 1976, s.7(*b*)(*ii*).

9 Sub-section (*3*) was substituted by Mah. 10 of 2011, s.2(*1*),

EXTRACT

[1] [KARNATAKA ACT][1] No. 11 OF 1963

(*First published in the* [1][Karnataka Gazette][1] *on the Twenty-eighth day of March, 1963.*)

THE [1][KARNATAKA][1] TOWN AND COUNTRY PLANNING ACT, 1961

(Received the assent of the President on the Eighth day of March, 1963.)

(As amended by Karnataka Acts 14 of 1964, 2 of 1968, 12 of 1976, 39 of 1985, 34 of 1987, 2 & 17 of 1991, 8 of 1994, 18 of 2003, 23 of 2004, 1 of 2005, 1 of 2007, 2 of 2007, 6 of 2012 , 57 of 2013, 67 of 2013, 10 of 2014, 38 of 2015 ,25 of 2020 ,34 of 2020, 46 of 2020 and 47 of 2020)

An Act to provide for the regulation of planned growth of land use and development and for the making and execution of town planning schemes in the [1][State of Karnataka][1].

WHEREAS it is necessary and expedient,—

(i) to create conditions favourable for planning and replanning of the urban and rural areas in the [1][State of Karnataka][1], with a view to providing full civic and social amenities for the people in the State,

(ii) to stop uncontrolled development of land due to land speculation and profiteering in land,

(iii) to preserve and improve existing recreational facilities and other amenities contributing towards balanced use of land; and

(iv) to direct the future growth of populated areas in the State, with a view to ensuring desirable standards of environmental health and hygiene, and creating facilities for the orderly growth of industry and commerce, thereby promoting generally standards of living in the State;

AND WHEREAS in order to ensure that town planning schemes are made in a proper manner and their execution is made effective, it is necessary to provide that a local authority shall prepare a development plan for the entire area within its jurisdiction;

AND WHEREAS it is necessary and expedient to consolidate and amend the law relating to town planning for the aforesaid and other purposes hereinafter appearing;

BE it enacted by the [1][Karnataka State][1] Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the [1][Karnataka][1] Town and Country Planning Act, 1961.

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

(2) It shall extend to the whole of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

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(3) It shall come into force on such [1][date][1] as the State Government may, by notification, appoint.

1. Act came into force on 15.1.1965 by Notification No. PLM 60 MNP 63 dt. 31.12.1964. Text of the notification is at the end of the Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

outline development plan is published under sub-section (1) of section 10 is resumed;

(vi) when land was normally used for one purpose and also on occasions for any other purpose, the use of the land for that other purpose on similar occasions.

(3) Every application for permission under sub-section (2) shall be accompanied by a plan, drawn to scale showing the actual dimensions of the plot of land in respect of which permission is asked, the size of the building to be erected and the position of the building upon the plot and such other information as may be required in this behalf by the Planning Authority.

[1][**14A. Change of land use from the outline development plan.**—(1) At any time after the date on which the outline development plan for an area comes into operation, the Planning Authority may, with the previous approval of the State Government, allow such changes in the land use or development from the outline development plan as may be necessitated by topographical cartographical or other errors and omissions, or due to failure to fully indicate the details in the plan or changes arising out of the implementation of the proposals in outline development plan or the circumstances prevailing at any particular time, by the enforcement of the plan:

Provided that,—

(*a*) all changes are in public interest;

(*b*) the changes proposed do not contravene any of the provisions of this Act or any other law governing planning, development or use of land within the local planning area; and

(*c*) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority.

(2) The provisions of sub-section (2) and (3) of section 14 shall apply *mutatis mutandis* to the change in land use or development from the outline development plan.][1]

[4][[3][[2][(3) Notwithstanding anything contained in this Act, whenever any land is procured by the Planning Authority, Local Authority, Karnataka Housing Board, Karnataka Slum Development Board, Karnataka Industrial Area Development Board, Karnataka Small Scale Industries Development Corporation or Rajiv Gandhi Rural Housing Corporation Limited for any public purpose, the land use of such land, excluding lands reserved under clauses (b), (c) and (f) of sub-section (1) of section 12 shall be deemed to be the land use for the purpose for which it has been procured.][2]][3]

(4) The Planning Authority shall levy such fee as may be prescribed by the Government before allowing such change of land use from the Master Plan.][4]

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.
2. Sub-section (3) Inserted by Act 1 of 2005 w.e.f. 14.2.2005.
3. Omitted by Act 38 of 2015 w.e.f 10.09.2015.
4. Inserted by Act 46 of 2020 w.e.f. 20.10.2020